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THE
AMERICAN HISTORICAL
MAGAZINE.

EDITORS,
W. R. GARRETT AND JOHN M. BASS.

PUBLISHED QUARTERLY BY THE
PEABODY NORMAL COLLEGE.



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THE
AMERICAN HISTORICAL
MAGAZINE

REPRESENTING THE CHAIR OF AMERICAN HISTORY
IN THE PEABODY NORMAL COLLEGE.

VOLUME VI., 1901.



DEVOTED ESPECIALLY TO THE HISTORY OF TENNESSEE
AND ADJOINING STATES

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AMERICAN HISTORICAL SOCIETY

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No. 1.

GEORGE ROGERS CLARK AND THE PIONEERS OF KENTUCKY.

[A paper read before the Tennessee Historical Society November 27, 1900,
by Gen. Gates P. Thruston.]

The pioneer settlement and colonization of the territory comprising the States of Kentucky and Tennessee form a unique chapter in American history. No parallel is offered in the founding of any other State of the Union.

Ohio and Indiana were mainly settled by the whites, under the protection of the military forces of the United States, or the volunteer troops from Kentucky, Virginia, and Pennsylvania. Alabama and Mississippi were colonized and settled at a later period, and under the strong guardianship of the national government. In laying the foundations of the States of Kentucky and Tennessee, our sturdy and intrepid pioneers had only their strong arms and stout hearts to protect them, and thus they won the place of honor in carrying Anglo-Saxon civilization to the great West.

Led by Sevier, Robertson, Clark, Boone, and their associates, and later by Andrew Jackson, they not only won this beautiful section of the West, but they gave to the young republic the magnificent domain beyond, and to the north and south.

The first settlers of Kentucky and Tennessee came mainly from Virginia and North Carolina, the mother States, adjacent on the east, with a small share from Pennsylvania, Maryland, New Jersey and elsewhere. These pioneer settlements were intimately associated. A considerable proportion of the Kentuckians came through East Tennessee by way of Cumberland Gap.

In point of time, the Kentucky pioneers came first, and led the advance. As early as 1769 that famous hunter, Daniel Boone, blazed the "Boon trace" through the wilderness into central Kentucky. In 1773 he led five emigrant families and a strong party of men into this new section. In 1776 Isaac Shelby came to Kentucky and raised a crop of corn. In the year 1778, about two years before James Robertson came to the Cumberland country, there were some four or five hundred inhabitants in the beautiful central region of Kentucky, at Harrodstown, Boonsborough, and other centers of settlement. In 1780, the year Capt. Donalson and his adventurous party of voyagers came down the Tennessee river and around on the Cumberland to aid James Robertson in founding the village of Nashborough, three hundred family barges came down the Ohio River, through the Indian gauntlet of danger, to the falls of the Ohio, the site of the future metropolis of Kentucky. In the same year of the founding of Nashborough, George Rogers Clark, a young Virginia officer, by order of Governor Thomas Jefferson, of Virginia, erected a fort upon the eastern bank of the Mississippi River, far to the west of all the frontier settlements and without even asking the consent of the Chickasaws, the Indian claimants of that section. In the early seventeen-eighties the population of Kentucky increased much more rapidly than that of Tennessee.

It was from the stronger settlements in Kentucky, that in times of danger, James Robertson procured his supplies of ammunition to defend the settlers on the Cumberland. Nashborough and Louisville were founded in the same year, although the fine site of the latter had been surveyed and occupied at an earlier period. James Lane Allen in his recent novel, "The Reign of Law," recalls the fact that the cultivation of hemp was begun in Kentucky as early as the year 1782.

When the treaty with the Iroquois Indians was made by the English at Stanwix, New York, in 1763, and the treaty was made with the Cherokees by Henderson and his associates at Watauga in 1775, for the purchase of the fertile lands in Kentucky and on the Cumberland, the hunting rights claimed by the Shawnees, Miamis, Delawares and Mingos, the dangerous Indian tribes occupying the territory north of the Ohio river, were ignored, were not even considered. After their defeat by Governor Dunmore at Point Pleasant, Va., in 1774, these tribes agreed to surrender

their claim to the land south of the Ohio river, but they never respected the treaty. They made a second treaty to this effect in 1786, but it was not until as late as the year 1794, when General Anthony Wayne humbled them by a signal and humiliating defeat, that these northern Indians ceased to make war upon the Kentucky settlements. In all these intervening years, from Daniel Boone's first encounter, until Kentucky was ready to enter the Union as a state, the settlements were never free from apprehension and danger from these inveterate enemies.

It was but natural that the Shawnees, whose ancestors had once lived in the Valley of the Cumberland, and their Miami confederates should look with jealousy and hate upon the throng of hunters and pioneers invading their beautiful hunting grounds. The insatiate paleface seemed ever on the march to the westward.

The wily Cherokees and Creeks, who laid in wait for the first settlers upon the Cumberland, had their homes many miles away, mainly south of the Tennessee river, but the Shawnees and Miamis were separated from the pioneers of Kentucky only by the waters of the Ohio river. No wonder that Kentucky was called the "dark and bloody ground." Its early history is full of heroic and tragic incidents. As early as 1782, two years after Nashborough was founded, nearly every humble cabin in the territory was in mourning for some dear inmate or near relative. Some fifteen hundred settlers lost their lives during the first seven years of settlement; a loss far greater relatively than was inflicted upon the Tennessee settlements. A number of desperate conflicts of sufficient magnitude to be called battles, were fought upon Kentucky soil. In the single engagement at Blue Lick from 60 to 75 Kentuckians were slain upon the field by Indians. Bands of marauding Shawnees and Miamis were constantly crossing the Ohio. They appeared unexpectedly upon the banks of the Kentucky and Licking rivers. For years there was no safety for the settlers, save within the forts and stockades.

The voyage down the Ohio river to the settlements was as hazardous and full of perils as the navigation of the Tennessee, yet, throughout these years of peril and apprehension, the Kentucky pioneers kept their courage and contributed a splendid share in winning and building up the great west.

Among the men most noted in the early history of Kentucky, three well-known names stand out in conspicuous relief—George

Rogers Clark, Daniel Boone and Simon Kenton. Like our own John Sevier and James Robertson, they were heroes in a heroic period. Other men of mark and prominence might be mentioned—the Shelys, Floyds, Ballards, Col. Henderson, the grandfather of our worthy vice-president for East Tennessee, Col. W. A. Henderson, but the trio first named must be accorded the most distinction.

Boone was the pilot for the vanguard in both states. He was a unique character, *sui generis*, surely the great Nimrod of modern hunters. He traveled the long and adventurous journey from North Carolina through the wilderness to Kentucky, with only his trusty rifle and knife as his safeguards. The beautiful and fertile woodlands and natural parks of the bluegrass section of Kentucky seemed to him like the garden of Eden, as compared with the red clay fields of Virginia and the pine woods of North Carolina. Undismayed by the solitude of the forest, and the nearness of his Indian foes, he spent many months at a time without companionship in his lonely cabin, luxuriating in the bountiful supply of wild game, and noting the most desirable locations for future settlements. His frequent personal encounters with the Indians, his narrow escapes, his captivity, his helpfulness to his comrades, his intuition, and knowledge of woodcraft, his hunting experiences, would fill a volume of personal history rich in reality and romance. Self-reliant, unselfish, resourceful, sincere, Daniel Boone must ever be the ideal hunter and Indian fighter in the annals and traditions of the West. His life and adventures have been published far and wide, and are known beyond the seas.

Simon Kenton, Boone's companion and friend in many adventures, was not unlike the latter in his personal characteristics. He was a pioneer of the rugged frontier type, full of courage and resources, and as kind and unassuming as he was brave. His sphere of activity was humbler than Clark's, and less known and less picturesque than Boone's, but in the adventures, perils, and duties of border life his personal prowess and brilliant exploits were unsurpassed. He had a long and glorious career upon the frontiers. In his youth he was at the great Indian battle on the Kanawha, in 1774. He was with Col. Clark at the capture of Kaskaskia, and with General Harrison at the battle of the

Thames, in 1813, thirty-nine years later. What a long term of patriotic service!

The third Kentuckian of the trio named far overshadowed both Boone and Kenton in intellectual force and ability. He was endowed by nature with a good genius. Roosevelt in his "Winning of the West" credits him with being the ablest and most brilliant of all our western leaders in the pioneer period. He says "it may be doubted whether there was another man in the West who possessed the daring and resolution, the tact, energy and executive ability, necessary for the solution of the series of problems" that confronted this able officer.

In considering the historic perspective, Roosevelt says also, "The names of Ethan Allen and Marion are probably better known than that of George Rogers Clark, yet their deeds, as regards their effect, could be no more compared to his than his could be compared to Washington's."

George Rogers Clark was born in 1752, in Albermarle County, Virginia, in that beautiful section on the eastern slope of the Blue Ridge, near the home of Thomas Jefferson. His biographer tell us that he was a handsome, fair haired boy. He was six feet three inches in stature. As he advanced in years, nature favored him with a dignity and nobility of form and manners not unlike that of Washington. His well preserved portraits give him a noble expression and countenance. Like Washington, and many of the young men of his native State, he chose the profession of a surveyor. As early as 1772, when but 20 years old, Clark came to Kentucky. He returned to the frontier in 1774. Along with Sevier, Robertson, Kenton, Boone, and Shelby he was in Lord Dunmore's war in 1774. By common consent he soon became a leader on the Kentucky frontier.

At that time the splendid territory between the mountains of Virginia and the Mississippi River was held by a vague and uncertain ownership. It was claimed by both the English and the Spaniards. The title of England was from the English standpoint as perfect as her title to Canada. The British parliament had in fact declared the Ohio River to be the southern boundary of Canada. Spain claimed northward to the line of the Ohio River; the English claim extended to the Gulf of Mexico. But when the colonies entered upon the struggle for independence, Virginia asserted her charter rights to the west and north-

west as far as the Mississippi River, and at Clark's suggestion and urgency, Governor Patrick Henry, of Virginia, and later Governor Jefferson, commissioned him to protect its interest in that remote section. As stated, Clark erected a fort on the east bank of the Mississippi in 1780. Through his personal exertions the territory west of the mountains and south of the Ohio was set apart as the county of Kentucky, and Clark thus became instrumental in forming the future State.

But Clark's aspirations and plans were not satisfied by his efforts to secure this beautiful section for his native State. For some reasons that later seemed providential, and that were in part inspired by his own personal patriotism and individuality, Clark regarded the vast and fertile section of the northwest beyond the Ohio river as the rightful possessions of Virginia. Through some good inspiration he seemed to look with the eye of a prophet upon the future development of his country. During the excitement of the Revolutionary War, Virginia and her patriotic Governors were deeply absorbed in her own defense. They had neither men or money to send to protect her far west border, much less to devote to the conquest of the Northwest. The continental army required every soldier they could muster.

The territory north of the Ohio was remote from the seat of the State government at Williamsburg. Unlike Tennessee and Kentucky, its Indian title had not been purchased. It was the well-recognized territory and home of hostile and powerful Indian tribes, more than ready to resent any trespass or invasion. English officers and emissaries were constantly inciting them to aggressions against the frontier line of the colonies, and it seemed almost impossible for the Kentucky pioneers to defend their own new and weak settlements. The Quakers of Pennsylvania were too peaceful to be willing to fight for the extension of the western border of that State, and the almost impassable mountain barriers of the Alleghanies cut them off from immigrating to the West. The powerful tribes of Iroquois Indians owning Western New York, also prevented migration from the northern colonies. In the face of all adverse conditions, and without hope or help from other quarters, this young Virginia officer, Clark, determined that his native State should not only claim the Northwest, the land beyond the Ohio and west of Virginia and Pennsylvania, but he began to scheme to take actual possession of the

country by force, and thus hold it for the united colonies against the claims of England. It was a bold project, but he set his heart upon its execution.

In the fall and winter of 1777 he laid his plans before Governor Patrick Henry, and urged them with all the vehemence of his ardent nature. Clark was not an educated soldier. It was the supreme force of his personality and his well marked ability that inspired the Governor and his associates with confidence in him.

The patriotic Governor of Virginia was finally convinced of the possible success of Clark's plans, and authorized him to raise seven companies of soldiers in the border counties of the West.

Without the consent or knowledge of the legislature he advanced Clark 1,200 pounds in money, and commissioned him a colonel in the Virginia militia. With this inadequate sum, presumably in depreciated currency, Clark set out upon his extraordinary venture.

The details of the proposed campaign seem to mark it as the individual scheme of this determined young soldier, rather than a State enterprise. He encountered difficulties on every side, but never wavered or lost sight of his objective.

He finally succeeded in raising four companies of less than fifty men each. He carried them down through the hazardous gauntlet of Indian attack on the Ohio river to the falls and rapids at the future site of Louisville. Here he heard the tidings, very welcome to him, that England had become involved in a war with France. This led him to hope that he might win to his cause and assistance the aid of the old French settlements at Vincennes, Kaskaskia and elsewhere in that section.

Clark's mastery over men as a soldier was not more remarkable than his genius for diplomacy. He won by strategy and finesse what he could not accomplish by force of arms.

In the summer of 1778, with his little battalion of less than 200 men, Clark left the Ohio River at a point near the mouth of the Tennessee, and entered the wilderness of Illinois on his way to its capital, the old French Indian settlement at Kaskaskia, 120 miles to the northwest. The fort at that point was garrisoned by a force mainly of French Creoles and Indians, under British authority and officers. It greatly outnumbered his little army. It could only be taken by surprise. As Clark neared the settlement, he waited until night and darkness quieted apprehension.

It so happened that the officer of the fort, its soldiers and the gay young people were reveling and dancing at a ball, characteristic of the old French town. Clark quietly captured and held all the settlers that came in his way. He ferried his men over the Kaskaskia river under cover of the night, and in perfect silence. This task required two long hours. He divided his force into two sections, nearly surrounding the town, and then personally led a detachment up to the walls of the fort.

It may be of interest to quote a paragraph from Roosevelt's detailed description of the capture of Kaskaskia, to show the remarkable personal coolness and strategy of this young Virginia colonel.

"Inside the fort," says Roosevelt, "the lights were lit, and through the windows came the sounds of violins. The officers of the fort had given a ball, and the mirth loving Creoles, young men and girls, were dancing and reveling within, while the sentinels had left their posts. One of his captives showed Clark a postern gate by the river side, and through this he enters the fort, having placed his men around about at the entrance. Advancing to the great hall, where the revel was held, he leaned silently and with folded arms against the doorpost looking at the dancers. An Indian lying on the floor of the entry gazed intently on the stranger's face. As the light from the torches within flickered across it, he suddenly sprang to his feet uttering the unearthly war whoop. Instantly the dancing ceased; the women screamed, while the men ran towards the door, but Clark standing unmoved and with unchanging face, grimly bade them continue their dancing, but to remember that they now danced under Virginia, and not Great Britain. At the same time his men burst into the fort and seized the French officers, including the British commandant, Rocheblave. Immediately Clark had every street secured, and sent runners through the town ordering the people to keep close to their houses on pain of death, and by daylight he had them all disarmed. The backwoodsmen patrolled the town in little squads, while the French in silent terror cowered within their low roofed houses. Clark was willing that they should fear the worst, and their panic was very great. The unlooked for and mysterious approach and sudden onslaught of the backwoodsmen, their wild and uncouth appearance, and the

ominous silence of their commander, all combined to fill the French with fearful forebodings for their future fate."

Now was Clark's chance for diplomacy. He informed them the next morning that he came as their friend, that France was now the ally and friend of Virginia and the Colonies, and that he came to free them, and urge them to become loyal subjects of the United Colonies. He soon managed to win the confidence of the French, and even of the Indians. He released all his captives except the British commander, Rocheblave. Clark, by way of courtesy and hospitality, had invited him to dine with him, a kindness the latter rejected in rather an insulting manner, whereupon Clark sent him a prisoner under guard to Virginia.

Clark later sold the commandant's slaves for the snug sum of 500 pounds sterling, and divided the fund among his men as prize money. He soon gained the favor of Gibault, the Catholic priest, an influential man in the settlement, by telling him to open his church and hold services there, that he would protect his parishioners and his religion; that all were free to worship as they desired.

Clark sent a small detachment and captured and converted to loyalty the neighboring French settlement at Cahokia. He also made some progress in placating the Indians, for many years the friends of the French settlers. They were confused and astounded at these new friendly relations between the Americans, French, and Spanish.

Clark's next move was to send Captain Helm, of his command, with the French Catholic priest, Gibault, and a delegation to Vincennes, Indiana, to endeavor to win to the American cause the French inhabitants of that important settlement and fort.

This enterprising venture was successful for a time, but when Clark's daring plans came to the notice of General Hamilton, the British commander at Detroit, he at once organized a large force to recapture Vincennes and Kaskaskia, and to drive the rebel Clark from the British possessions.

Gen. Hamilton's force, led by him in person, consisted of British, French, and Indians, with a six-pound gun and ample stores and ammunition.

As his army neared Vincennes it numbered about 500 men. It was too strong for Captain Helm's meager command. The

fickle French and Creoles in the fort deserted him, and the British flag again waved over Vincennes.

It was now mid-winter, in the year 1779, and General Hamilton quartered his troops at Vincennes, announcing that in the early spring he would lead his British and Indian forces upon a campaign against Fort Pitt, at Pittsburg, and the Virginia and Kentucky frontiers.

Hamilton did not know Clark. He little dreamed of possible danger from his little American battalion at Kaskaskia, some 240 miles through the wilderness to the west. The rivers of that general section were high, and out of their banks. They were full of floating ice. The swamps and lakes of the prairies were almost impassible, but Clark was ever on the alert. Nothing daunted him. In his personality he had something of the genius of Bedford Forest. No ordinary calculations could be made as to his plans and movements. He would lead, what to others seemed a forlorn hope, without for a moment doubting his success. In writing to Governor Patrick Henry of his determination to attack Vincennes, he states: "I know the case as a desperate one; but, sir, we must either quit this country or attack Gen. Hamilton. Who knows what fortune will do for us? Great things have been effected by a few men well conducted. Perhaps we may be fortunate. Our cause is just, and our country will be grateful and not condemn our conduct. In case we fall through, this country as well as Kentucky is lost."

As soon as he learned that Vincennes had been recaptured, he made his preparations to retake it. He stirred up sufficient enthusiasm against the British among the French inhabitants of Kaskaskia to enable him to recruit a company of Frenchmen to add to his force.

He equipped a barge, or galley, with cannon and swivels and forty men, and ordered them to the Ohio river, and around to the Wabash, to aid in his expedition. This was the first gunboat on our western waters.

He started overland on his march against Vincennes with a force of about 170 men. They had no tents, no baggage train, no roadway. As they approached the rivers of Indiana they found the country all aflood. The Wabash river, upon which Vincennes was located, was five miles wide. Clark built a large pirogue, or canoe, and ferried his men across the main streams.

His pack horses swam over. Men and horses waded breast deep through the shallower intervening waters. Clark was always at the front, full of energy, encouraging and leading his men. He would plunge first into the icy flood as an example to his men. The tall and strong men carry the short and weak ones on their shoulders through the water. Their mid-winter hardships and sufferings from cold, exposure, fatigue, and hunger make a pathetic story, but their courage did not fail them. A week or more was spent in crossing the flooded country near Vincennes, part of the time within hearing of the morning and evening guns at the fort.

But Clark pushed ahead. With his small force he boldly entered the French town. He hailed the alarmed inhabitants with friendly greetings. Hamilton sent out a force to oppose him, but he managed to elude the detachment, and immediately attacked the fort. His experienced Kentucky riflemen shot down the British gunners through the port-holes. Clark demanded a surrender, and threatened the garrison with assault, and the extermination of the captured Indian allies.

Hamilton proposed a truce, and in the interview that followed was dominated by Clark's superior prowess and strategy. He weakened, and surrendered the fort, a strong stockade, defended by cannon and trained soldiers, and commanded by an educated English soldier. What a tribute to the genius of the young American officer!

Hamilton left on record his bitter mortification at having to surrender to these "uncivilized riflemen" of the frontiers. The taking of the fort was scarcely less important than Clark's capture a few days later of a great treasure of supplies valued at ten thousand pounds sterling, in boats on the Wabash river, en route from Detroit. With this rich store, and the supplies captured at Vincennes, Clark rewarded his faithful officers and men with a bounty that made them "almost rich."

Clark sent Hamilton and a part of his force under guard as prisoners to Virginia. He and his men felt bitterly and vindictively toward the British commander. The latter had urged his Indian allies to attack the American frontier. Like other British officers, he had approved of the use of the savage scalping knife in maintaining British authority in the West, and no punishment was deemed too severe for him.

Clark now devoted his attention to establishing his authority throughout the territory he had reclaimed from the English. He established permanent military posts at Vincennes, Kaskaskia, and Cahokia. He placated the Indians of that western section with kindness. He established military headquarters at the falls of the Ohio river, and thus stood guard over the new settlements in Kentucky and jealously watched the interests of Virginia in the Northwest.

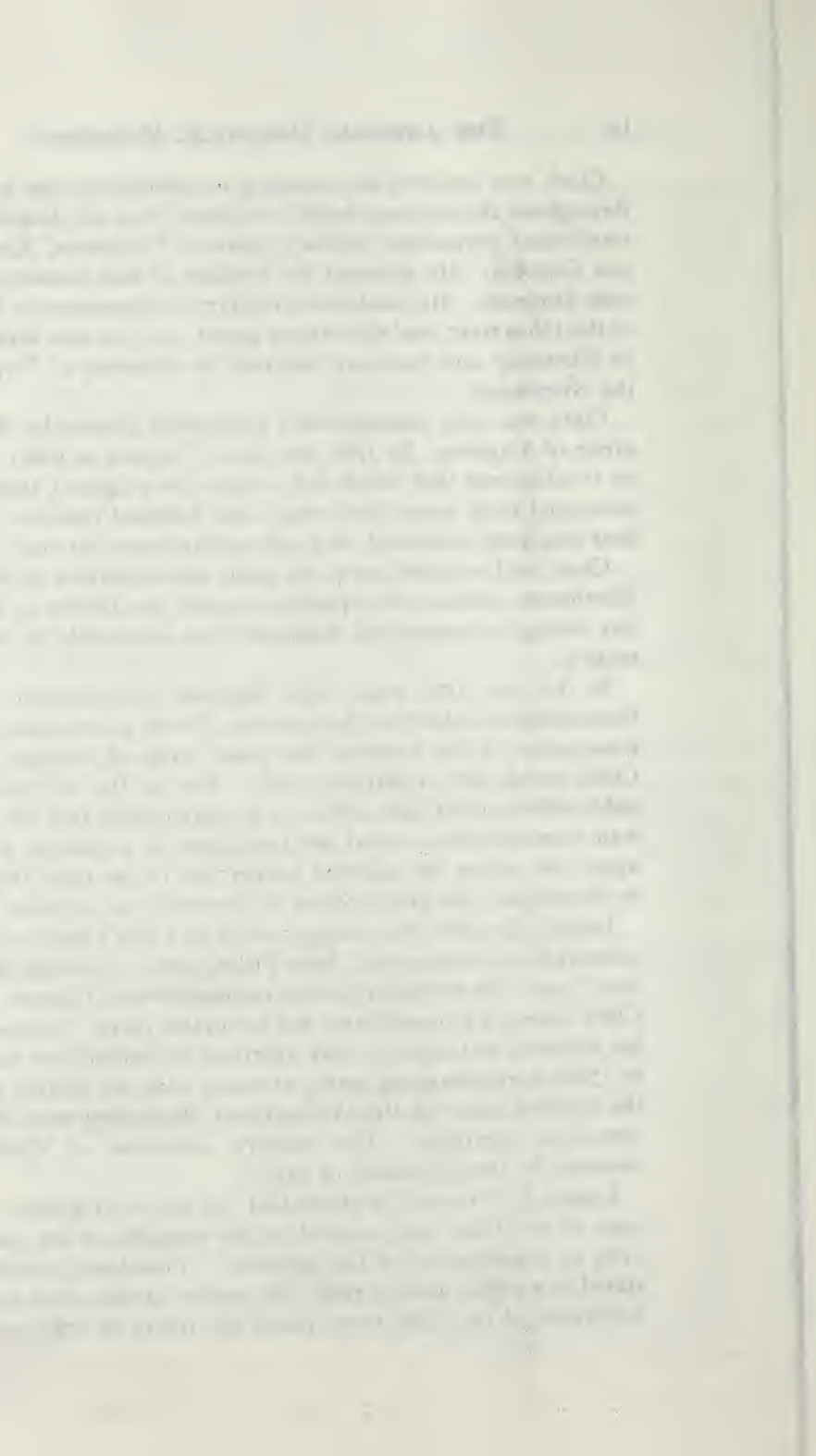
Clark was later commissioned a brigadier general by the Governor of Virginia. In 1781 the Miami Indians in Ohio became so troublesome that Clark led a large force against them. He destroyed their towns and crops, and defeated them in a battle that was hotly contested, and with severe losses on both sides.

Clark, still wrapped up in his plans and ambitions to hold the Northwest, planned an expedition against the British at Detroit, but owing to unexpected delays he was never able to consummate it.

In the year 1783 peace with England was declared, and in the settlement of the lines between the British possessions and the possessions of the colonies, the grand work of George Rogers Clark stands out in patriotic relief. But for the individual and noble efforts of this able officer, it is quite certain that the American commissioners would not have been in a position to insist upon and secure the splendid border line of the lakes that gave to the colonies the grand States of the northwest territory.

Indeed, the debt this country owes to Clark's patriotism can scarcely be overestimated. John Fiske, in his "American Revolution," says: "In the gallery of our national heroes, George Rogers Clark deserves a conspicuous and honorable place. It was due to his boldness and sagacity that when our commissioners at Paris, in 1782, were arranging terms of peace with the British enemy, the fortified posts on the Wabash and Mississippi were held by American garrisons. The military enterprise of Clark was crowned by the diplomacy of Jay."

Lyman C. Draper also states that "all that rich domain northwest of the Ohio was secured to the republic at the peace of 1783 in consequence of his prowess." President Garfield also stated in a public address that "the cession of that great territory northwest of the Ohio river, under the treaty of 1783, was due



mainly to the foresight, the courage, and the endurance of one man"—George Rogers Clark.

Parton says of him, that "he is not as famous as a hero as Leonidas or Hannibal only because he had not such historians as they."

At the centennial of the Northwest at Marietta, Ohio, the Hon. John Sherman, in his address, referring to Clark, stated: "He was a great Virginian, and among the illustrious names that have been furnished by that magnificent State to the history of our country there is no one among them all who will have a greater or more poetic renown than George Rogers Clark. This typical hero and founder of five great States was as distinguished in the neglect and injustice done him by his countrymen as in the brilliancy and importance of his service to his country. His native State was unable to pay the drafts drawn by its order for supplies. They were protested, and the private property of Col. Clark was sold to partially pay for public supplies; and impoverished and ruined by his spirited achievements, he lived and died a dependent."

The story of Clark's later life was a pathetic one. As his historian states, "He had spent his fortune as freely as he had risked his life. He had supported his troops almost without the aid of the State that commissioned him. The bounties promised him were never paid. He won an empire for his country, but was only rewarded with empty compliments."

In an address, delivered in Kentucky upon the life of Gen. Clark, his eulogist gives the following sad story of his later life: "A hero in war, peace fell upon him like a blight. He became intemperate and paralyzed. The enormous land bounties which had been voted him by the Virginia Assembly for his public services were for years withheld from him, and he was left helpless and penniless upon the bounty of his kinsmen. The strong, dashing young soldier decayed away as he approached old age, mortified but still proud. Day after day, year after year, he sat meditating on the glories of the past, the ingratitude of the present, and the assured grandeur of the future. His surgeon required the amputation of his right leg. 'All right,' he said, 'bring in the boy of the regiment and let him beat the drum.'

"What a scene that must have been. The old warrior with his mouth firmly set, the surgeon sawing off his leg above the

knee, the drummer boy beating as for his life, like he did when he led the victorious little army through the floods of the Wabash. The old spirit came back at times and sat in the ruins of the old temple."

"When decrepitude and death were fast closing upon him, there came into his room one day, leading a party of friends, an eloquent representative of the State of Virginia, to present him a jeweled sword, voted by the Virginia Assembly, in consideration of his gallant and invaluable services to the State and to the country. While his praise was being eloquently worded, the old man listened with his eyes fixed upon the fire, then drew himself up in his chair and said: 'Young man, go tell Virginia when she needed a sword I found one. Now I want bread.'

"And when that sword was returned rejected, and with his just rebuke, the Virginia Assembly neglected no longer to make good its broken promises of land to Clark, and the gallant men who followed him."

But the old soldier lived only for a brief period, and never reaped the benefit of the reluctant bounty.

Years ago the State of Kentucky provided for the erection of a monument to Gen. Clark at its capitol, but his relatives objected to the removal of the remains, and they now repose in the beautiful Cave Hill Cemetery near Louisville, the city he founded.

The State of Indiana, whose territory he captured from the British and Indians, has not neglected the debt of honor she owed him, but has erected in his memory a noble monument, a bronze statue of heroic size, at Indianapolis, representing him with drawn sword leading his gallant little band to victory.

It is a sad reflection that the declining years of both of Clark's old pioneer companions in Kentucky, Daniel Boone and Simon Kenton, were also clouded with disappointments. The remarkable characteristics that made them famous in the life and annals of the frontier unfitted them for success when civilization came. They were left behind in the race of life. They were not traders. Friends disappointed them; speculators robbed them. Both left the State for which they had devoted the best years of their lives. Boone migrated to Missouri and passed his declining days in comparative obscurity, still living the simple and unostentatious life of a hunter upon the frontier.

The story of Simon Kenton's later life is still more pathetic.

His very body was taken for debt, under the old debt laws, and for twelve months he was imprisoned upon the very spot where he built his cabin in 1775, and planted the first corn ever planted by a white man north of the Kentucky river. Beggared by his misfortunes and lawsuits, in 1799 he moved to Ohio and passed his last days within sight of the very spot where the Indians, many years before, had scourged him and threatened to burn him alive at the stake.

It is not within the scope of this paper to consider the later history of Kentucky. The hardships, the courage and patriotic services of her pioneers, as might well be expected, developed in their descendants a race vigorous physically and intellectually.

The Breckenridges, the Clays, the Marshalls, the Crittendens, the Morgans, were the peers of the foremost men of their time. While the splendid galaxy of States of the northwest, won by Clark and the pioneers of Kentucky, and presented to the Nation by her mother Virginia—while these northwest States have even surpassed Kentucky and Virginia in numbers and material prosperity, it must ever be remembered that they were saved and assured to the American Union by the prowess and courage of George Rogers Clark and the Kentucky pioneers.

NOTE.—The writer's grandfather, Buckner Thruston, a member of the Virginia Legislature, settled in Kentucky in 1788. He was clerk of the first legislative assembly that convened in the State, and later was United States Senator from Kentucky, and Federal Judge. His brother, John Thruston, was a cornet or lieutenant in Captain Bowman's company of Clark's force. Another brother, Charles M. Thruston, married Frances, the sister of Gen. George Rogers Clark, and of Gen. William Clark, of the Lewis and Clark expedition to the Pacific coast.

The first of these was the discovery of gold in California in 1848. This led to a great influx of people to the state, and the population grew rapidly. The second was the discovery of gold in Nevada in 1859. This also led to a great influx of people to the state, and the population grew rapidly. The third was the discovery of gold in Colorado in 1859. This also led to a great influx of people to the state, and the population grew rapidly.

The fourth was the discovery of gold in Idaho in 1860. This also led to a great influx of people to the state, and the population grew rapidly. The fifth was the discovery of gold in Montana in 1862. This also led to a great influx of people to the state, and the population grew rapidly. The sixth was the discovery of gold in Wyoming in 1869. This also led to a great influx of people to the state, and the population grew rapidly. The seventh was the discovery of gold in Utah in 1871. This also led to a great influx of people to the state, and the population grew rapidly. The eighth was the discovery of gold in Arizona in 1876. This also led to a great influx of people to the state, and the population grew rapidly. The ninth was the discovery of gold in New Mexico in 1878. This also led to a great influx of people to the state, and the population grew rapidly. The tenth was the discovery of gold in Texas in 1880. This also led to a great influx of people to the state, and the population grew rapidly.

The eleventh was the discovery of gold in Oklahoma in 1889. This also led to a great influx of people to the state, and the population grew rapidly. The twelfth was the discovery of gold in Kansas in 1890. This also led to a great influx of people to the state, and the population grew rapidly. The thirteenth was the discovery of gold in Nebraska in 1891. This also led to a great influx of people to the state, and the population grew rapidly. The fourteenth was the discovery of gold in Iowa in 1892. This also led to a great influx of people to the state, and the population grew rapidly. The fifteenth was the discovery of gold in Missouri in 1893. This also led to a great influx of people to the state, and the population grew rapidly. The sixteenth was the discovery of gold in Arkansas in 1894. This also led to a great influx of people to the state, and the population grew rapidly. The seventeenth was the discovery of gold in Louisiana in 1895. This also led to a great influx of people to the state, and the population grew rapidly. The eighteenth was the discovery of gold in Mississippi in 1896. This also led to a great influx of people to the state, and the population grew rapidly. The nineteenth was the discovery of gold in Alabama in 1897. This also led to a great influx of people to the state, and the population grew rapidly. The twentieth was the discovery of gold in Georgia in 1898. This also led to a great influx of people to the state, and the population grew rapidly.

The twenty-first was the discovery of gold in Florida in 1899. This also led to a great influx of people to the state, and the population grew rapidly. The twenty-second was the discovery of gold in South Carolina in 1900. This also led to a great influx of people to the state, and the population grew rapidly. The twenty-third was the discovery of gold in North Carolina in 1901. This also led to a great influx of people to the state, and the population grew rapidly. The twenty-fourth was the discovery of gold in Virginia in 1902. This also led to a great influx of people to the state, and the population grew rapidly. The twenty-fifth was the discovery of gold in West Virginia in 1903. This also led to a great influx of people to the state, and the population grew rapidly. The twenty-sixth was the discovery of gold in Maryland in 1904. This also led to a great influx of people to the state, and the population grew rapidly. The twenty-seventh was the discovery of gold in Delaware in 1905. This also led to a great influx of people to the state, and the population grew rapidly. The twenty-eighth was the discovery of gold in Pennsylvania in 1906. This also led to a great influx of people to the state, and the population grew rapidly. The twenty-ninth was the discovery of gold in New Jersey in 1907. This also led to a great influx of people to the state, and the population grew rapidly. The thirtieth was the discovery of gold in New York in 1908. This also led to a great influx of people to the state, and the population grew rapidly.

NORTHERN BOUNDARY OF TENNESSEE.

[This paper was read before the Tennessee Historical Society March 18, 1884, by W. R. Garrett, A.M., Ph.D. It was published by the society in a pamphlet edition, of which 1,000 copies were printed. It has been distributed by the society among its correspondents, and has also been used by current magazines. In the case of *Virginia v. Tennessee*, in 1892, relative to the boundary line between the two States, this pamphlet was filed before the United States Supreme Court, and was much referred to by the lawyers. The decision of the court sustained many of the positions taken by the author. The pamphlet edition is now exhausted, and the paper, with slight revision, is reprinted by request.]

The dividing line between Virginia and North Carolina, a portion of which line now constitutes the northern boundary of Tennessee, was first conceived in the minds of Charles II. and his Council. Its history thus begins in 1665, when, without a "local habitation," it existed as an imaginary line having but one finite end, and purporting to bound unexplored countries. The confusion and disputes which attended the effort to locate and mark it by natural bounds, extended through a large portion of our colonial history, and reached far into our national life. Piece by piece it was extended and patched, following on in the wake of civilization in its westward march, until its final completion in 1859-60, when it was located and marked by the Joint Commission of Tennessee and Kentucky, and confirmed by legislation in both States.

Our history is thus divided into two periods. The first period extends from the grant of Charles II. in 1665 to the Cession Act of North Carolina in 1790, when this line constituted the boundary between Virginia and North Carolina. The second period extends from the Cession Act of 1790 to the final completion of the line in 1860, during which time it constituted, until 1796, the northern boundary of the Southwest Territory, and subsequently the northern boundary of Tennessee.

During the first period it was extended by three successive steps. First: In 1728, by a Joint Commission under the authority of King George II. and of the Lords Proprietors of Carolina, it was run 241 miles from the coast to a point on Peter's Creek.

Second: In 1749, it was extended to a point on Steep Rock Creek, a distance of eighty-eight miles, by Commissioners of King George II. Third: In 1779-80 it was extended to the Cumberland Mountain by a Joint Commission of North Carolina and Virginia, and was continued to the Tennessee River by the Virginia Commissioners, and its termination marked on the Mississippi. The line of the Virginia Commissioners, commonly known as the Walker's Line, was confirmed by two enactments of North Carolina in 1789 and 1790, and by Virginia in 1791.

In the days when European monarchs rewarded their favorites with grants of immense tracts of territory in the New World, they did their surveying at the Council-table, and used oceans and parallels of latitude for boundary lines. Thus, when James I., in 1606, gave the London Company that immense tract called Virginia, he bounds it by the thirty-eighth and thirty-fourth parallels of north latitude, by the Atlantic Ocean and the South Seas. He similarly bounds the territory of the Plymouth Company by the same oceans, and by the forty-fifth and forty-first parallels. The belt of three degrees between these grants he leaves open to either company which shall first occupy the territory. When, in 1609, the same king changed the charter of the London Company, he enlarged the limits of Virginia, and describes the boundaries as follows: "From the point of land, Cape or Point Comfort, all along the sea-coast to the northward two hundred miles, and from said Cape or Point Comfort all along the sea-coast to the southward two hundred miles, . . . up into the land throughout from sea to sea, west and northwest." The subsequent dissolution of the London Company by James I. did not change the territorial limits of Virginia, but only its proprietorship, converting it into a royal province. Grants were subsequently made by the crown conveying to other colonies portions of the original grant to Virginia. Charles II. attached but little sanctity to the rights of the colony, or the gift of his grandfather. On March 24th, 1662, he granted to some of his favorites, viz.: "Our right trusty and right well beloved cousin and Councillor, Edward, Earl of Clarendon, our High Chancellor of England; our right trusty and right intirely beloved cousin and Councillor, George, Duke of Albemarle," etc., *ad nauscam*, "all that province. . . . within 36° of north latitude," etc. On June 30th, 1665, he enlarged this grant, and named a line

destined to become famous in our history and a familiar word to our people, the line of $36^{\circ} 30'$. Col. Byrd tells us how this second grant was brought about: "Sir William Berkeley, who was one of the grantees, and at that time Governor of Virginia, finding a territory of thirty-one miles in breadth between the inhabited part of Virginia and the above-mentioned boundary of Carolina, advised the Lord Clarendon of it; and his Lordship had interest enough with the king to obtain a second patent to include it." This was perhaps one cause of the unpopularity of Gov. Berkeley in Virginia. In this second grant Charles II. gives to the Lords Proprietors of Carolina "all that province, territory, or tract of ground, . . . extending north and eastward as far as the Carahtuke River, or inlet, upon a streight westerly line to Wyonoke Creek, which lys within or about the degrees of thirty-six and thirty minutes northern latitude, and so west in a direct line as far as the South Seas; and south and westward as far as the degrees of twenty-nine inclusive, northern latitude, and so west in a direct line as far as the South Seas," etc.

Thus this profligate monarch, importuned by greedy and unscrupulous courtiers, scarcely giving a thought to the consequences of his action, ignores alike the acts of his predecessors and the vested rights of his subjects, and bounds by an imaginary line a territory which he has no right to convey. Among any other people on the globe, the seeds thus sown, the conflict of title, and unlocated boundary would have borne in future years its legitimate fruit of strife and bloodshed. That this fatal consequence was averted from our ancestors is due, in part, to the abundance of unsettled territory; but it is mainly due to the liberal spirit and fraternal feeling which animated them in the revolution, and to the community of interests awakened by the struggle. In May, 1776, Virginia framed a bill of rights, and enacted a constitution. Section 21 of this instrument declares: "The territory contained within the charters erecting the colonies of Maryland, Pennsylvania, North and South Carolina is hereby ceded and confirmed to those States forever." Haywood remarks on this point: "Here was magnanimously cut off and surrendered all the territory which had been taken from Virginia to satisfy the grants of the Lords Proprietors." Haywood is just in calling this action magnanimous. While Virginia could not perhaps have maintained a successful claim to the possession

of those territories to which her abstract prior title had so long lain dormant, and had been weakened, if not destroyed, by so many capricious grants from the same power by which it was created, yet her position offered strong temptations to pursue the time-sanctioned European policy, the policy which European statesmen consider sagacious, which has built up all the great powers of Europe at the expense of their neighbors, and which is pursued now, and ever has been pursued throughout the whole history of their diplomacy. That policy would have been to nurse her claims, to hold them as a perpetual thorn in the side of her sister States, to prevent the formation of the Union, to make herself the great central absorbing power, and gradually to encroach on the lesser States. Such a policy was favored by a portion of her politicians, and was feared by several of the smaller States, especially by Maryland. Had a monarch ruled the destinies of Virginia, such would have been the inevitable tendency of events. With a territory undisputed from the fortieth parallel to $36^{\circ} 30'$, except the little corner which included Maryland, Delaware, and portions of Pennsylvania and New Jersey; with actual possession joined to best title, and the right acquired by conquest from Great Britain, to all the unoccupied western lands up to the lakes; with wealth, population, and resources then far superior to any of her sister States, the prospect was certainly alluring, had the ambition of Virginia aimed at empire. But a far different spirit animated her people. Fired with the love of liberty, and struggling for their own freedom from the grasp of Great Britain, no thought entered their minds of aggression against the brethren fighting by their sides. Impelled by this spirit of her people, she devoted her efforts to bind the States in a fraternal compact, to remove all causes of jealousy, and, to build up a great and permanent Federal Republic, she hastened to surrender all claims to the territory of her sister States, and to dismember herself of her own vast domains. In her great cession of the territory northwest of the Ohio—the greatest cession of territory in the history of the world ever voluntarily made by a powerful State able to defend it—she invited the other States to follow her example, and thus made possible the local governments and magical developments of the West, and she averted the jealousy and possibly the anarchy and bloodshed that might have followed the assertion of her claims. As we see

her thus voluntarily stripping herself of her territory until she shrinks up between the Alleghanies and the Atlantic, shall we view her with that kindly pity which we feel for the man whose good-natured weakness has permitted greatness and fortune to fall from his grasp? Does not her course rather reveal a broad wisdom which European statesmen have never been able to comprehend, and a philanthropy which looked to the good of mankind and not to the grasping of power, or the extension of State lines? Whether we consider her magnanimous or weak, we cannot refuse the praise which poets and historians may bestow with kindling warmth, but which the world echoes with faint applause:

All thou hast been reflects less fame on thee
Far less—than all thou hast forborne to be.

But whatever may be our reflections on the course of Virginia, it is at least certain that her action in 1776 forever quieted all questions of conflict of title to the territory of North Carolina. It now remained to complete the location of this imaginary line—this line which, though it failed to bring on the conflict of title and territory which the careless and selfish kings of England had bequeathed as a legacy to America, was yet destined to bear some of its bitter fruit, and to become famous in our history in another and more recent struggle, the contest for the limitation of slavery west of the Mississippi.

The colonial disputes about the location of the line 36° 30' were not between the people of the two colonies, but between the Crown and the Lords Proprietors, Virginia being then a royal province and Carolina a proprietary government. The first dispute occurred in 1710. The respective commissioners met, and could not agree upon the starting-point by a difference of about fifteen miles. They separated without doing any thing. The Royal Commissioners made a report to Queen Anne, bringing serious charges against the Commissioners of the Lords Proprietors of Carolina. On March 1, 1710, an order of Council was issued, from which I quote the following: "That The Commissioners of Carolina are, both of them Persons engag'd in Interest to obstruct the settling of the Boundaries; for one of them has been for several years Surveyor General of Carolina, and has acquired great Profit to himself by surveying Lands within the controverted Bounds, and has taken up several tracts

of land in his own Name. The other of them is at this time Surveyor General, and hath the same prospect of advantage by making future surveys within the said bounds." The order concludes: "Her Majesty, in Council, is pleased to order, as it is hereby ordered, the Rt. Honble the Lords Commissioners for Trade and Plantations Do signifye her Majesty's pleasure herein to her Majesty's Governor, or Commander-in-chief of Virginia for the time being, and to all persons to whom it may belong, as is proposed by their Lordships in said Representation, and the Rt. Honble the Lords Proprietors of Carolina, are to do what on their part does appertain." Col. Byrd, the Virginia Commissioner in 1728, defends the Carolina Commissioners against the charges above quoted. In obedience to this order, a conference was held between the respective Governors, Chas. Eden and Alexander Spotswood; and an agreement was signed "That from the mouth of Corotuck River, or Inlet, and setting the compass on the north Shoar thereof, a due West line be run, and fairly marked," etc. This agreement bears no date, and was forwarded to King George I. for his approval. "At the Court of St. James's, the 28th day of March, 1727. Present, the King's Most Excellent Majesty in Council. . . . His Majesty is hereupon pleas'd with the advice of his Privy Council to approve the said Proposals, . . . and to order, as it is hereby ordered, that the Governor, or Commander-in-chief, of our Colony of Virginia do settle the said Boundaries, in conjunction with the Governor of North Carolina, agreeable to said Proposals." In accordance with this order, the Royal Commission was issued: "George II., by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, to our well-beloved William Byrd, Richard Fitz William, and William Dandridge, Esqrs, members of our Council of the Colony and Dominion of Virginia, Greeting: Whereas our late Royal Father of Blessed Memory," etc. This commission is dated Dec. 14th, 1727, "in the first Year of our Reign." The Carolina Commission runs in the name of the Lords Proprietors. "Sir Richard Everard, Baronet, Governor, Captain General, and Commander-in-chief of the said Province: To Christopher Gale, Esqr, Chief Justice, John Lovick, Esqr, Secretary, Edward Mosely, Esqr, Surveyor General, and William Little, Esqr, Attorney General, Greeting: . . . I, therefore, reposing especial trust and confidence in

you, . . . to be Commissioners on the part of the true and absolute Lords Proprietors." It is dated February 21st, 1728. The Commissioners met March 6th, 1728, and after some disputes, placed a cedar post on the north shore of Currituck Inlet, as their beginning point in latitude $36^{\circ} 31'$, and from that point ran a due west course, as they supposed, allowing 3° west for the variation. They passed through the Dismal Swamp, and gained, as Col. Byrd expresses it, "immortal reputation by being the first of mankind that ever ventured through the great Dismal." At Buzzard Creek, about 169 miles from the coast, the Carolina Commissioners abandoned the work on Oct. 5, 1728. Col. Byrd and Mr. Dandridge continued the line seventy-two miles farther, to a point on Peter's Creek, a tributary of Dan River, near the Sauratowns, 241 miles and 30 poles from the coast, marking the termination on a red oak Oct. 26, 1728. A complete account of this line was afterward given by Col. Byrd in a delightful work entitled "The History of the Dividing Line." Col. Byrd was a courtier and wit of the first order. Even Dickens would not criticize us for calling him a "remarkable man." He was the most popular and influential man of his day in Virginia. In his elegant country-seat of Westover, on James River, he was the most hospitable of cavaliers and the most genial of companions. Sparkling all over with wit, his History of the Dividing Line is perhaps the most entertaining book ever written on so dry a subject. I have alluded to his characteristics, because they produced an important effect on the location of the line of which he was the historian and the father. With his cheerful and generous nature, he combined a hot temper and a lofty pride. He fully expected all the people along the border to be clamorous for the honor of belonging to Virginia. He was disgusted to find that they all desired to fall on the Carolina side of the line. After spurning out his indignation, true to his generous nature, he favored their wishes as far as his instructions would permit, and consented to the location of the line about a mile north of $36^{\circ} 30'$. In his history, however, he cannot help firing a few parting shots, of which the following will serve as a specimen: "We constantly found the Borderers laid it to heart if their land was taken into Virginia. They chose much rather to belong to Carolina, where they pay no tribute to God or Caesar." Of the action of the Carolina Commissioners in abandoning the work on

Oct. 5, I give Col. Byrd's opinion in his own language: "We lay still the next day, being Sunday. The Gentlemen of Carolina assisted not at our Public Devotions, because they were taken up all the morning in making a formidable protest against our proceeding on the line without them. . . . In the afternoon Mr. Fitz William, one of the Commissioners from Virginia, acquainted his colleagues it was his opinion that by his Majesty's Order they could not proceed farther on the line but in conjunction with the Commissioners of Carolina, for which reason he intended to retire the next morning with those gentlemen. This lookt a little odd in our Brother Commissioner, tho' in justice to him, as well as our Carolina Friends, they stuck to us as long as our good Liquor lasted, and were so kind as to drink our good journey to the Mountains in the last bottle we had left. . . . This Gentleman had a stil stronger reason for hurrying back to Williamsburg, which was that neither the General Court might lose an able judge nor himself a double salary, tho' he did but half the work, in which, however, he had the misfortune to miscarry when it came to be fairly considered." Col. Byrd, with the remainder of his party, as we have seen, completed the line to Peter's Creek, as he expresses it, "within the shadow of the Chariky Mountains, where we set up our pillars like Hercules, and returned home." He closes his pleasant narrative as follows: "Nor can we by any means reproach ourselves of having put the Crown to any exhorbitant expense in this difficult affair, the whole charge from beginning to end amounting to no more than £1,000. But let no one concerned in this painful Expedition complain of the scantiness of his pay so long as His Majesty has been graciously pleased to add to our Reward the Honour of his Royal approbation, and to declare, notwithstanding the Desertion of the Carolina Commissioners, that the line by us run shall hereafter stand as the true Boundary betwixt the Governments of Virginia and North Carolina."

The second step in the location of this line was taken in 1749, when it was continued from Peter's Creek to a point on Steep Rock Creek, a distance of eighty-eight miles, being in all 329 miles from the coast. There is no incident of special interest in this extension. It may, however, be noted that one of the Virginia Commissioners was Peter Jefferson, the father of Thomas Jefferson. His colleague was Joshua Fry, Professor of Mathe-

matics in William and Mary College. The Carolina Commissioners were Daniel Weldon and William Churton. In one respect this Commission deserves notice. Of the four joint Commissions of North Carolina and Virginia, this was the only one which engaged in no disputes, and the only one from which the Carolina Commissioners failed to protest and withdraw. North Carolina was now, like Virginia, a Royal Province. The Commissioners of both provinces held under the same authority, the King. This may account for their harmony.

No other step was taken in the location of the boundary until after the beginning of the Revolution. We now find commissions worded in a different style, and for the first time look for their creation in legislative enactments. In 1779 we come to the third step. Urged by pressing demands from their western settlers, the legislatures of the two States found time in the midst of the Revolutionary struggle to appoint a joint Commission to extend their boundary. The Commissioners, Col. Henderson and William B. Smith on the part of North Carolina, and Thomas Walker and Daniel Smith on the part of Virginia, met in September, 1779. They failed to find the point at which Fry and Jefferson and Weldon and Churton ended their line on Steep Rock Creek. On September 6th memoranda of agreement were entered on the books of both parties to the effect "that the point of observation was in north latitude $36^{\circ} 31' 25''$, and in west longitude $81^{\circ} 12'$." They ran due south one mile to a point supposed to be in latitude $36^{\circ} 30'$, "to the satisfaction of all." From this point they ran a line, which they supposed to be due west, about forty-five miles to Carter's Valley. Here a disagreement occurred, and the two Commissions separated, running parallel lines about two miles apart, the line of the Carolina Commissioners, generally known as Henderson's Line, being north of the line of the Virginia Commissioners, commonly called Walker's Line. The Carolina Commissioners continued their line as far as Cumberland Mountain. At this point they abandoned the work, after sending a letter of protest against Walker's Line. The Virginia Commissioners continued to Tennessee River, leaving an unsurveyed gap from Deer Fork to the first or east crossing of Cumberland River, a distance which they estimated to be 109 miles. Subsequent surveys place this distance at ninety-seven miles. The total distance of Walker's Line, as

...in 1776, the year of the American Revolution, the British government was in a state of financial crisis. The government was unable to raise enough money to pay its debts, and it was forced to borrow money from the public. This led to the creation of the Bank of England, which was the first of its kind in the world. The bank was established in 1694, and it was the first to issue banknotes. The bank was a success, and it helped the government to raise the money it needed to pay its debts. The bank was a model for other banks, and it was the first to be established in the United States.

The American Revolution was a period of great change and growth for the United States. It was a time when the young nation was establishing its identity and its place in the world. The revolution was a struggle for independence, and it was a struggle for the rights of the people. The revolution was a success, and it led to the creation of the United States of America. The revolution was a time of great change and growth for the United States. It was a time when the young nation was establishing its identity and its place in the world. The revolution was a struggle for independence, and it was a struggle for the rights of the people. The revolution was a success, and it led to the creation of the United States of America.

given in the report of the Virginia Commissioners, is: "From Steep Rock Creek to Deer Fork 123 $\frac{3}{4}$ miles; unsurveyed gap (estimated), 109 miles; from first or east Cumberland crossing, to second or west Cumberland crossing, 131 miles; thence to Tennessee River 9 $\frac{1}{4}$ miles; making a total of 373 miles. This added to Fry and Jefferson's Line, 88 miles, and Byrd's line, 241 miles, makes the total length of the boundary thus far extended from the coast to the Tennessee River; 702 miles. The Commissioners, although not authorized to extend the line beyond Tennessee River, proceeded to mark its termination on the Mississippi, but did not survey the intervening distance. In consequence of the failure to make due allowance for the variation of the needle, Walker's Line deflected continuously to the north. Col. Byrd's error of allowing too great a variation contributed to the same result, the two lines being on opposite sides of the line of no variation. Either on account of the imperfection of their astronomical instruments, or from a failure to test their work by a sufficient number of astronomical observations, the Commissioners seemed not to detect, or at least did not correct, this constant northward deflection. Walker's Line first touched Tennessee near latitude 36° 34', and reached Tennessee River near latitude 36° 40', more than twelve miles too far north in a direct line, or about seventeen miles by way of the river. This fact has been established by subsequent surveys with more accurate instruments. Henderson's Line, running two miles north of Walker's Line, was of course still further wrong. In consequence of the disagreement of the Commissioners, no immediate action was taken by the two States. In 1789 a committee of the North Carolina Legislature, of which Gen. Thomas Person was chairman, made a report, recommending the adoption of Walker's Line. This report was "concurred with" by both houses. At the same session of the Legislature the act was passed ceding the Western Territory, which is now Tennessee, to the United States. Under the law of North Carolina all acts related to the first day of the session. Thus the resolution adopting Walker's Line and the Cession Act bore even date. The deed executed to Congress by the Senators of North Carolina in pursuance of the Cession Act was dated Feb. 25, 1790, and the deed was accepted by Congress April 2, 1790. On Nov. 2, 1790, Gen. Person, again chairman of the Carolina Committee on Boundaries, in consequence

of doubts as to the formality and sufficiency of the previous action of the Carolina Legislature, made a second report, recommending as follows: "That the boundary line between the States of North Carolina and Virginia be confirmed agreeable to a report of a committee, concurred with by both houses last session of assembly, and that a law be passed confirming the line commonly called Walker's Line as the boundary between the States of N. Carolina and Virginia, and reserving the rights of the oldest patents, grants, or entries made in either of the States." On Dec. 11, 1790, this report was "read and concurred with" by both houses. It will be observed that in the first report, made in 1789, which was "concurred with" and made the basis of the second report, and thus for the second time "concurred with," the following fact is distinctly set forth. I quote the language: "Mr. Walker and the other Commissioners from Virginia extended the line to Tennessee River, and marked its termination on the Mississippi from observations, leaving the line from the Tennessee to that place unsurveyed." The action thus adopting Walker's Line as clearly extended it to the Mississippi as if posts had been placed every five miles between. This action was satisfactory to Virginia, and on Dec. 7, 1791, Walker's Line was confirmed by the Legislature of Virginia. Thus the boundary was regarded by both States as finally settled.

This brings us to the second period of our history, which opens with a curious complication. In 1792 William Blount, Territorial Governor of Tennessee, insisted that the first resolution of the Carolina Legislature in 1789 was not a legal confirmation of Walker's Line; and that the second resolution of 1790, passed many months after the acceptance of the Cession by Congress, was invalid as to the United States, of which Tennessee was then a territory. He further urged that North Carolina had for ten years before the Cession exercised jurisdiction to Henderson's Line, and announced his intention of maintaining the same. A correspondence ensued between him and Governor Lee, of Virginia, which resulted in a proclamation from Governor Blount asserting jurisdiction to Henderson's Line, and a counter proclamation from Governor Lee asserting jurisdiction to Walker's Line. Matters remained in this confused and somewhat hostile shape until 1801, when the two States appointed a joint Commission to determine the true boundary. On Dec. 18, 1802, Joseph

Martin, Creed Taylor, and Peter Johnson, on the part of Virginia, and John Sevier, George Rutledge, and Moses Fisk, on the part of Tennessee, met at Cumberland Gap. Failing to "unite in the result of their astronomical observations," they entered into a compromise, and unanimously agreed to run the boundary parallel to the two lines in dispute and midway between them, about one mile from each. The surveyors, Brice Martin and Nathan B. Markland, surveyed this line, and marked it with five chops in the shape of a diamond. In 1803 the acts of the Commissioners were confirmed by appropriate legislation in both States. The boundary between Virginia and Tennessee was thus finally established. Although subsequent negotiations have occurred, no change has been made. On March 1, 1858, Tennessee passed enactments, and on March 18, 1858, Virginia passed similar enactments, creating a joint Commission to re-mark, by permanent landmarks, the line as agreed on in 1803. Samuel Milligan and George R. McClellan, Commissioners for Tennessee, and Leonidas Baugh and James C. Black, Commissioners for Virginia, re-marked this line in 1859. Their acts were rejected by Virginia on March 9, 1860, and were never confirmed by Tennessee. In consequence of the war, the proposition of Virginia in 1860 to appoint another Commission was not acted on by Tennessee. In 1870 Virginia proposed a re-adjustment of her boundaries with Maryland, North Carolina, and Tennessee, and appointed a Commission consisting of Henry A. Wise, William Watts, and D. C. DeJarnette. The proposal of Tennessee was transmitted to the Legislature by Governor Senter in his message of Dec. 13, 1870, inclosing a communication from Governor Gilbert C. Walker, of Virginia, together with the Virginia enactment. Virginia proposed to refer the line for re-adjustment to a joint Commission of the two States, assisted by a corps of skillful engineers in the service of the United States. A resolution was passed in the Tennessee Senate to authorize the appointment of three Commissioners, but failed to pass the House. In the following year Governor John C. Brown called the attention of the Legislature to the subject. A joint committee of the two houses was appointed, consisting of Henry R. Gibson, F. W. Earnest, Wm. Greene, V. C. Allen, J. H. Cross, W. S. McGaughey, L. M. Wester, and W. H. Anderson. This committee gave the subject a thorough investigation. Their

The first of these is the fact that the United States is a young nation, and its history is a history of growth and development. The second is the fact that the United States is a large nation, and its history is a history of expansion and conquest. The third is the fact that the United States is a diverse nation, and its history is a history of conflict and compromise. The fourth is the fact that the United States is a nation of immigrants, and its history is a history of assimilation and integration. The fifth is the fact that the United States is a nation of pioneers, and its history is a history of exploration and discovery. The sixth is the fact that the United States is a nation of inventors, and its history is a history of innovation and progress. The seventh is the fact that the United States is a nation of leaders, and its history is a history of vision and leadership. The eighth is the fact that the United States is a nation of heroes, and its history is a history of courage and sacrifice. The ninth is the fact that the United States is a nation of dreamers, and its history is a history of hope and aspiration. The tenth is the fact that the United States is a nation of believers, and its history is a history of faith and conviction.

report, although it contains an error in argument, is an excellent history of this part of the line, and a State paper of marked ability. After reviewing the whole question, they recommended a joint resolution, which was adopted March 28, 1872. I quote the following portion: "That the Governor of this State be instructed to inform the Governor of the Commonwealth of Virginia that Tennessee declines to do any act, or to entertain any negotiation, looking to a reopening of the question of boundary between the two States, but regards said boundary as fixed and established beyond dispute and forever." This act of Tennessee was certainly right, and due to her citizens. The language above quoted is firm, dignified, and sufficient. The same cannot be said for the following clause of her resolution: "That any move on our part tending to unsettle and disestablish said boundary, or even awaken a doubt as to its perfect validity and inviolable unalterability, is *mischievous and wanton*, and not only uncalled for, but to be utterly discountenanced and condemned." This language is not only sophomoric, but it contains a plainly implied and sharp rebuke, which the circumstances connected with the history of this line rendered it peculiarly ungracious in Tennessee to administer. In fact, both States abated somewhat of their dignity—Virginia in requesting the reopening of a question settled by her own act in 1803, and acquiesced in for sixty-seven years; Tennessee, in using unamiable language and rebuking her older sister. This negotiation, then, produced no effect. Tennessee refused to reopen the matter, and held on to her acquisition. The compromise of 1803 may, therefore, be regarded as the final settlement.

After this final adjustment of her boundary with Virginia in 1803, Tennessee found an unexpected and troublesome controversy on her hands, growing out of the same questions. Kentucky had discovered that Walker's Line was several miles north of $36^{\circ} 30'$. In the repudiation of the Carolina and Virginia compact by Tennessee, Kentucky saw her opportunity. Her argument now came with great force: "Since by your own showing the confirmation of Walker's Line by Virginia and North Carolina is invalid as to us, then we have no dividing line except the old imaginary line of $36^{\circ} 30'$. Let us move down south, and locate it." This threat was the more ominous when Kentucky refused to make any convention on the basis of Walker's Line,

though repeatedly urged by Tennessee enactments in 1803, 1815, and 1817. In 1813, by an act approved Feb. 13, she gives the following intimation: "Whereas Tennessee proposes to depart from the true line of separation . . . to be ascertained by correct and scientific observation," etc., the Governor is directed to inform the Governor of Tennessee "that the disagreeable necessity is imposed upon Kentucky of having the long-contested question finally settled by the means pointed out by the Constitution of the United States."

Her act of Feb. 10, 1816, offers a compromise; provided the same is accepted by Tennessee at the next session of her Legislature. She offers to adopt Walker's Line from "Obed's *alias* Aba's River to the Tennessee River," the remaining portions of the line, both east and west, to be on latitude $36^{\circ} 30'$, this line to be located by a joint Commission. This offer proposed to place about 180 miles, a little over half the total boundary, on latitude $36^{\circ} 30'$. The action of the Tennessee Legislature in 1817, failing to accept this compromise, and again proposing a joint Commission on the basis of Walker's Line, seemed to irritate her neighbor. Kentucky replied by the following spicy enactment of January 30, 1818: "That all laws heretofore enacted by the General Assembly of this Commonwealth relative to the boundary line of this State and the State of Tennessee shall be, and the same are hereby, repealed. . . . Be it further enacted, That the southern boundary line shall be and remain on a line running west from the top of Cumberland Mountain to the Mississippi River in $36^{\circ} 30'$ north latitude, any thing in any former law passed by this State to the contrary notwithstanding." In the following year, 1819, she sent her surveyors, Alexander and Munsell, to run and mark a line on $36^{\circ} 30'$ between the Tennessee and Mississippi Rivers, and declared this to be the true boundary. This line struck Tennessee River about seventeen miles south of Walker's Line by way of the river, and if continued would have passed south of the town of Clarksville. Tennessee now required the utmost skill of her diplomatists to extricate her from the false position of claiming jurisdiction by virtue of a line the validity of which she had solemnly repudiated. Her authorities were thoroughly alarmed. Kentucky had now taken an aggressive step, and seemed ready to follow it up by vigorous measures. Tennessee could no longer rest quiet in possession,

and rely on the inertia of republican institutions. Some plea must be found of "avoidance" without "confession." This plea Governor Joseph McMinn supplies in his message of Oct. 6, 1819. It was the only argument which Tennessee had left, but it was an argument logical and potent in America—"the wishes of the people." He says: "The citizens of both States, who live in the neighborhood of Walker's Line, seem to be perfectly satisfied with that boundary, and would be opposed to any alteration. . . . There is no proper alternative left to the authorities of the two States, if they consult the interests of their citizens, but to establish Walker's Line as far as the eastern bank of Tennessee River." He points to the necessity of a compromise: "I submit to your consideration the necessity of employing some mathematician of known skill, . . . to ascertain the latitude of $36^{\circ} 30'$ on the western bank of Tennessee River. . . . If the line recently run by the State of Kentucky between the rivers Tennessee and Mississippi should be in the latitude called for by the charter of this State, it must and ought in justice to stand." This compromise losing more in the west than had been gained in the east, need never have been offered had not Tennessee been estopped from pleading the Virginia and Carolina compact confirming Walker's Line. It will be remembered that this confirmation extended to the termination marked on the Mississippi.

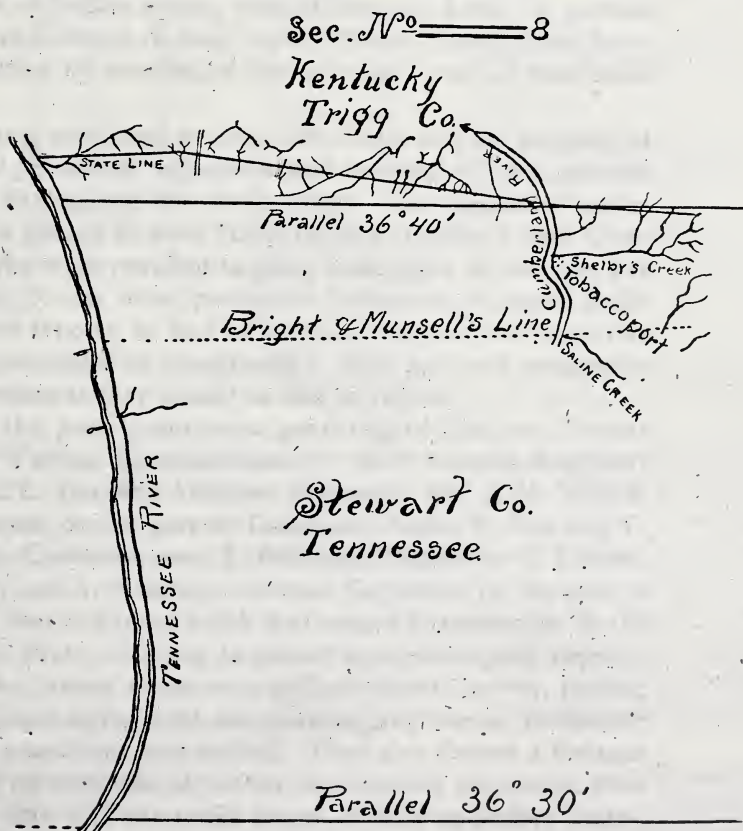
Since legislative invitations and enactments had failed to draw a settlement from Kentucky, the Legislature of Tennessee determined to send Commissioners to visit the Kentucky Legislature. For this delicate task they selected, by joint ballot, Felix Grundy and William L. Brown, and clothed them with absolute powers to conclude a treaty. The ability and address of Judge Grundy and his colleague were never more needed and never more conspicuously shown. Kentucky was in earnest in her claim to this whole strip of territory. She saw that a joint Commission could not advance her claims, and her Legislature was in no compromising mood. It is due to the persuasive influence and diplomatic skill of Judge Grundy and his colleague that Kentucky was finally induced to appoint a Commission. Her Commissioners were two of her ablest men, John J. Crittenden and Robert Trimble, and her argument as to abstract title was unanswerable. Yet, handicapped and estopped as they were, the Tennessee Commissioners successfully urged "actual posses-

sion," "the wishes of the people," and the many annoyances and hardships which would result from a change, and offered as a liberal compromise to let all lines stand as they were, acknowledging Alexander and Munsell's Line. Finally the sober second thought of Kentucky yielded her abstract claims to the general good, and bowed to the will of the people. A compromise was effected Feb. 2, 1820, which is so well known that I need not rehearse it. The treaty contained ten articles. The boundary was to be Walker's Line to the Tennessee River; thence up and with said river to Alexander and Munsell's Line; thence with said line to the Mississippi; this line to be hereafter marked when demanded by either State; legislation to be enacted with regard to land-titles, in accordance with certain stipulations; the treaty to be valid, if ratified by the Legislature of Kentucky at the session then pending. This ratification was duly given. Pending this negotiation, however, on Nov. 27, 1819, the Legislature of Tennessee, either fearful of the result or restive about the matter, passed an act directing the Governor, in case of the failure of the Commissioners to make a treaty with Kentucky, to appoint surveyors, and have a line run and marked from the termination of Walker's Line on Tennessee River to the point marked by Walker in 1780 on the east bank of the Mississippi. This act was rendered inoperative by the conclusion of the treaty. Haywood remarks: "As is the fate of every treaty, good or bad, . . . this treaty, as soon as it saw the light, was encountered by an exceedingly animated opposition. It, however, finally triumphed; the Legislature recognized its validity and provided for its execution." The line thus agreed on became the established boundary from the date of its confirmation by Kentucky in 1820. Many inconveniences, however, continued to result from the loss of some of the landmarks of Walker's Line and the uncertainty with regard to others, and the unsurveyed gap left by Dr. Walker between Deer Fork and Cumberland River. Although the main points were finally settled, troublesome minor questions were raised, which required for their adjustment several negotiations and joint commissions between the two States. The limits of this paper will not permit a history of the legislation in reference to the adjustment of land claims, although it is intimately connected with the history of the boundary.

In 1821 a joint Commission, consisting of Wm. Steele, on the

part of Kentucky, and Absalom Looney, on the part of Tennessee, surveyed and marked the gap in Walker's Line, extending their survey from the east crossing of Cumberland River to Cumberland Gap. Their acts were confirmed by Tennessee Nov. 13, 1821, and by Kentucky Nov. 22, of the same year. A line was also run by Mr. Henderson in 1821 between the Tennessee and Mississippi rivers, coinciding very nearly with Alexander and Munsell's Line.

On Sept. 19, 1831, the message of Governor Carroll announced to the Legislature of Tennessee that in accordance with their act of the previous session, he had appointed James Bright Commissioner for Tennessee; that Mr. Bright, in conjunction with Dr. Munsell, the Commissioner for Kentucky, had run and marked Walker's Line along the southern borders of Allen,



Simpson, and Trigg counties. He recommends the confirmation of their acts. This line is shown, in part, in Map No. 8, accompanying this paper. It continues Walker's Line straight from the point near the west crossing of Cumberland River to the Tennessee. It would, if adopted, have thrown into Kentucky a strip of land which is now a portion of Tennessee.

In 1845 Governor James C. Jones alludes in his message to difficulties arising with Kentucky in relation to the boundary line; and announces that in accordance with the act of the previous session he had appointed C. W. Nance and William P. McLain as Commissioners on the part of Tennessee. These Commissioners in Oct., 1845, met the Commissioners of Kentucky, Messrs. Wilson and Duncan, and marked a line along the borders of Trigg and Christian counties, and along that portion of the border of Fulton county west of Reelfoot Lake. A portion of their line is shown in Map No. 8. These different lines, however, patching up portions of the boundary, were all readjusted in 1859.

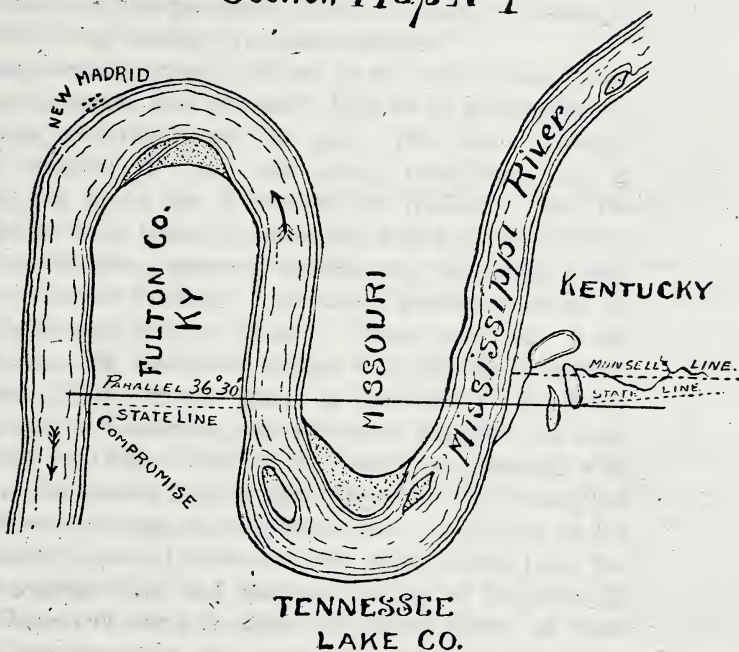
As disputes continued to arise, both States saw the necessity of a final and permanent adjustment and marking of their common boundary throughout its whole extent. The necessary enactments were passed by both States in 1858 creating a joint Commission, who were required to place stone posts on the line, five miles apart, to use other permanent landmarks, to make duplicate written reports, to be filed in the archives of the respective States, accompanied by topographical maps, and such geographical information as they should be able to collect.

In 1859 this joint Commission, consisting of Benjamin Peebles and O. R. Watkins, Commissioners; O. H. P. Bennett, Engineer; J. Trafton, L. Burnett, Assistant Engineers; and J. M. Nicholson, Surveyor, on the part of Tennessee; Austin P. Cox and C. M. Briggs, Commissioners; J. Pillsburg, Engineer; G. Trafton, G. Stealey, and A. Heusley, Assistant Engineers, on the part of Kentucky, met at a place which they named Compromise, on the Mississippi River. Having improved instruments and superior facilities, they made an accurate and satisfactory survey, placing the stone posts as required, and marking the line on permanent trees with four chops fore and aft. They also cleared a distance of five feet on each side of the line, and marked permanent trees facing the line with the initial letters of their respective States, "K." and "T."

Space does not permit extended discussion of many points of controversy between the Commissioners. One point, however, is too interesting to be passed without notice.

The line of $36^{\circ} 30'$ which had been agreed upon as the true line west of the Tennessee River, happened to strike the Mississippi at a bend in the river as shown in Section Map No. 1, and known

Section Map No 1



as New Madrid Bend. The Tennessee Commissioners claimed that New Madrid Bend, being cut off from Kentucky by the intervening reverse curve of the river which interposed a portion of Missouri, should naturally be included as a part of Tennessee. The Kentucky Commissioners claimed that this tract of land was north of $36^{\circ} 30'$, and east of the Mississippi River. It was, therefore, clearly a part of Kentucky. Tennessee had gained so many advantages in running the dividing line, and so much territory north of $36^{\circ} 30'$, that the Kentucky Commissioners now demanded a strict construction.

This little neighborhood, including only a few square miles of area, and a few hundred people, was attached to Kentucky, and made a part of Fulton County.

Thus, the people of this little community are entirely dissevered from their State, and cannot go to their own county seat without passing through either Tennessee or Missouri.

Several attempts have been made to relieve these people from the peculiar hardships of such a condition. As late as 1877 Gov. James D. Porter appointed Messrs. E. E. Westbrook and Benton McMillin as Commissioners to negotiate with Kentucky for the purchase of this peculiarly located country. Kentucky was inexorable, and nothing was accomplished.

From Compromise, latitude $36^{\circ} 29' 55.7''$, they followed very nearly along Alexander and Munsell's Line to its termination on the Tennessee in latitude $36^{\circ} 29' 54''$. This line frequently crosses the parallel $36^{\circ} 30'$, very nearly coinciding with it. Thence they ran down the Tennessee to Walker's Line, the latitude of which they failed to mark, but which is not far from $36^{\circ} 40' 45''$ at the point where it touches the Tennessee River. Thence they followed Walker's Line to the southeast corner of Kentucky, in latitude $36^{\circ} 34' 53.48''$. Thence they ran to the end of their line, the southwest corner of Virginia, in latitude $36^{\circ} 36' 0.92''$. Their report—made in duplicate to Governor Isham G. Harris, of Tennessee, and Governor Magoffin, of Kentucky, on Nov. 11, 1859—discusses the questions connected with the running of the various lines in 1821, 1830, and 1845, and gives twenty-seven section-maps tracing these lines. I present to the Society accurate copies of three of these maps, taken from the originals on tracing-cloth, and prepared for me by Engineer E. F. Batte. These will serve to show the salient points of these lines. The Commissioners state that they found no landmarks of Walker's Line west of the first or eastern crossing of Cumberland River, and they do not believe that their predecessors ever found any. They therefore ran the line in accordance with the language of the statute creating their powers, which followed the phraseology of the convention of 1820: "Walker's Line, as the same is reputed, understood, and acted upon by the two States, their respective authorities and citizens." This survey cost Tennessee \$25,357, and cost Kentucky \$22,630.07. The stone posts cost \$1,265. The acts of the Commissioners were confirmed by Kentucky on Feb. 28, 1860, and by Tennessee on March 21, 1860.

Thus after a controversy of sixty-eight years, extending from 1792 to 1860, was finally established the title of Tennessee to the

strip of territory north of $36^{\circ} 30'$. This strip extends from White Top Mountain to Tennessee River, a distance of about 355 miles. The portion adjoining Virginia is about 110 miles long and averages about 7 miles wide. The portion adjoining Kentucky is about 245 miles long, and about $5\frac{3}{4}$ miles wide at its eastern extremity, gradually increasing in width toward the west till it reaches the Tennessee River about $12\frac{1}{2}$ miles wide. For this acquisition Tennessee is indebted, in the first place, to the failure of the Virginia and Carolina Commissioners to make due allowance for the variation of the needle, thus causing their lines to swerve continuously to the north; in the second place, to the fidelity and ability of her public servants; and finally, to the preference of the people along the border to live within her jurisdiction, and to the conservatism and liberal spirit of her sister States, which led them to respect the wishes of the people.

Her boundary lines now skirt her borders, visible in permanent landmarks, and appear on her statute-books described by natural bounds. Yet, strange to say, her Constitution of 1870 still adheres to the old imaginary lines, and describes her northern boundary as $36^{\circ} 30'$, copying the language of the Cession Act, and of the State Constitutions adopted prior to the final adjustment and location of the boundaries. This loose description is guarded by the following saving clause: "Provided that the limits and jurisdiction of this State shall extend to any other land and territory now acquired by compact or agreement with other States, or otherwise, although such land and territory are not included within the boundaries hereinbefore designated." This ingenuous saving clause was truly necessary; but as a description it is certainly more elastic than instructive. The distinguished statesmen who constituted the Committee on the Bill of Rights, and framed this description, may have been induced by a desire of preserving the time-honored phraseology which a long-continued reverence for former Constitutions had rendered tuneful to their ears. Possibly other portions of constitutional framework, more congenial to the legislator, may have so occupied their time as to prevent a reference to the statutes, or a visit to the archives. It may have been that this method of description was adopted for reasons of political wisdom, apparent to the constitutional lawyer, but which fail to reveal themselves to the historian.

In preparing the "History of the Northern Boundary of Tennessee," I have consulted the following authorities:

Byrd's History of the Dividing Line.

Thomas Jefferson's Works.

Cooke's History of Virginia.

Wheeler's History of North Carolina.

Ramsay's History of South Carolina.

Marshall's History of Kentucky.

Haywood's History of Tennessee

Ramsey's Annals of Tennessee.

Ridpath's History of the United States.

Charters and Constitutions of the United States, by Ben Perley Poore.

Statutes, Journals, Revisals, etc., of Virginia, North Carolina, Tennessee, and Kentucky.

The Manuscript Report of the Joint Commission of Tennessee and Kentucky, submitted to Governor Isham G. Harris, Nov. 11, 1859, with accompanying maps, on file in the office of the Secretary of State of Tennessee.

of the city of London, from the first
of the reign of King Henry the First
to the death of King Richard the First
in the year of our Lord one thousand
eight hundred and nineteen. The
author of this history is a learned
and judicious man, who has
been long employed in the
study of the history of this
city, and has collected a great
many curious and valuable
antiquities, which he has
herein set forth in a clear
and concise manner, and has
added many new and
interesting particulars, which
were not to be found in
any other history of this
city. This history is
very useful and
entertaining, and
is well adapted
for the use of
schools and
libraries.

A MEMOIR OF JOHN SEVIER.

[Box S 1, No. 39-S, No. 18.]

[The following letter was written by Maj. James Sevier to Mr. Lyman C. Draper, who was then engaged in collecting information relative to Gen. John Sevier. A few years later Mr. Draper, at the request of Col. E. W. Sevier, sent a copy of the letter, duly attested. This copy is now on file in the archives of the Tennessee Historical Society, Box S 1, No. 39, and is published below:]

August 19, 1839.

D  ar Sir:

Yours of the second of May has been received, & its contents noticed. Some time past I recd. a letter from E. W. Sevier requesting me to send to you what information I could recollect respecting our Fathers services during the war of the revolution; & informed me that he himself had sent on some documents to you—what they were he did not inform me. I then declined sending any statements, fearing that our statements might conflict. But as you have called my attention to some particular events of that day, I will give you the best information that a head of seventy-five years possesses. As I write from memory, I may in some things err, but not materially, as my memory is still retentive.

My father, whose given name you have, was among the first settlers in the western country, having emigrated from the State of Virginia in 1773. In 1776 he had a command against the Cherokee Indians, who were at war that year. Not long afterwards he was appointed a Colonel, which command he held at the time the troops were raised that fought the battle of King's Mountain. That campaign was planned by Col. Isaac Shelby & my father—they asked the co-operation of Col. William Campbell, who was raising troops at that time, for another destination. Col. Arthur Campbell was not in command there, to the best of my recollection. Col. Wm. Campbell commanded the Virginia troops; Col. Isaac Shelby the Sullivan troops; & my father the Washington troops. My father had in his regiment four brothers beside himself, and two sons—myself the youngest, being at that

time sixteen years old. There were only seven of our family able to bear arms; they all fought in the battle of King's Mountain. One fell, Capt. Robert Sevier, nobly fighting for his country. Col. Isaac Shelby had several brothers in the engagement beside himself. Sparta never raised a better set of men than those that fought the battle of King's Mountain. Col. Cleveland was in the battle; Col. McDowell was not. Col. John Tipton was not there, nor was he a citizen of the western country until several years after the war was over.

Shortly after our return from the battle of King's Mountain my father obtained information that the Cherokee Indians were about to come in a body on the inhabitants. He bid up for volunteers to meet at a place called the Swan Ponds on the frontiers. In two or three days we had two hundred & fifty noble fellows afraid of nothing, at the head of whom my father placed himself, and took the path for the Indian towns. On the third day of our march, the advance guard met a party of Indians on Dumpeling Creek, exchanged shots, and the Indians fled, taking the back path recrossed French Broad & made for their towns. They were closely pursued by our little band of warriors; we crossed the river late in the evening, camped on the south side; next morning renewed our pursuit, finding at every branch or watercourse Indian camps & fires fresh burning, their parched corn meal thrown out, & their trails on towards their towns. However, we had not pursued them more than ten miles before we found them prepared for battle. The onset was made by the Indians without any effect. On the fire being returned, the Indians broke for a cane-brake & saved themselves. Thirty or more, however, were run out into open pine woods, and killed; and strange to tell, this battle was fought & so many Indians killed, and not a single white, & but one slightly wounded. Just as the guns had ceased firing, we were overtaken by an express from Col. Arthur Campbell asking the commander to wait until he came up, which would be in two or three days at most. Although we had beaten that party of Indians, which we afterwards learned was about five or six hundred, we could not tell what we might have to encounter ahead, being still two days march from the towns. It was agreed to fall back about ten miles to an island in French Broad river, a place of security for our horses. But we remained in this only three or four days, when we moved

out to the south side & camped on a creek called Boyd's Creek, there to await Col. Campbell's arrival; but to our mortification instead of his being up in two or three days, he was nearly two weeks. In the meantime our provisions gave out, and the men had to live almost all that time on dry grapes, haws, walnuts & hickory nuts. At length the Colonel arrived, but brought with him no supplies but a little corn, which we rather accepted in disgust; however, we parched it, and eat, & moved on immediately for the Indian towns. Campbell brought with him about 150 men. We arrived at the towns the second day in the evening, it being Christmas eve. There we found plenty of corn, poultry, and some fat hogs. Christmas day was certainly a day of feasting after so long an abstinence. The place where we camped so long is to this day called the Hungry Camp on Boyd's Creek. We remained some time in the Indian country, burning & destroying all their towns & provisions, before they made overtures of peace. At length a flag was sent in, and a peace talk held, some Indian prisoners restored, & we left the country the last of January, 1781. We had one man killed & several wounded in passing from town to town. Perhaps I have dwelt too long on this campaign, but it was one of great importance to our country at that day, as it saved the country from being deluged in blood by a merciless set of savages.

On our arrival at home we found there was no time to rest. A set of Indians called the Overhill Cherokees were troublesome. My father in the month of February raised what volunteers he could get at that time, and travelled 150 miles through an entire wilderness, a considerable part of it mountainous, very unpleasant for man or horse. He at length reached the head of the Tennessee river, where their towns were situated. After destroying all their towns, & stock & provisions, killing some Indians & taking some prisoners, the army returned home with the loss of two men killed—Mr. Bond & Mr. Davis.

The remainder of the year 1781 we had a little respite from Indian troubles. But shortly after the battle of the Eutaw Springs in South Carolina between Gen. Greene & the British army, men were called for from this side of the mountains. Col. Isaac Shelby raised his regiment in Sullivan County, and my father his in Washington County. We took up our line of march about the last of September, and arrived at Gen. Greene's head-

quarters on the High Hills of Santee sometime in October, & were sent on to join General Marion below on the Santee river. We remained with the General about three months, annoying the British at every convenient opportunity, & taking some of their outposts, which occasioned them to call in the remainder, & shortly after moved to Charleston. Having served out our time, we returned home about the middle of a very cold winter. The spring & summer of 1782 brought on us fresh troubles with the Indians. They committed many murders that season with impunity, but as soon as their crops had matured so that we could get something for man & horse to eat my father called on his volunteers to meet him at a given point, who were punctual to a man (for in those days there was no dodging). Every man was personally known to the commander; they were but few in number, but that few so often called together, that they were like a band of brothers raised in the same family. We set out for the Indian country in the month of September, 1782. On the Highwassee river and Chiccamauga creek we destroyed all their towns, stock, corn, & everything they had to support on. We then crossed a small range of mountains to the Coosa river, where we found and destroyed several towns, with all their stock, corn & provisions of every kind. The Indians eluded our march and kept out of our way in the general, although a few men, women & children were surprised & taken. We left the Coosa river for home about the last of October, called on the old Chota Town which professed to be at peace. A peace talk was held with Old Oconnestota, the Tassel, & Hanging Maw, principal chiefs. Peace was made, & the prisoners all set at liberty. Thus ended the war of 1782. We all set out for our homes without the loss of a single man.

From the year 1782 until the year 1788 there was nothing that was very material between the whites and Indians, until the summer of '88, when we had the hottest Indian war I ever witnessed. My father had to remain on the frontiers the whole summer, going from fort to fort with what men that could be spared from the garrisons. Many valuable lives were lost in that war. Several skirmishes were fought during the summer; I was in the first one in June. After the close of the war of '88, we had but little trouble with the Indians until the years '91, '2 & '3, when William Blount was Governor of the Territory.

The Indians were very troublesome, and my father was called to the frontiers to take the command of the army at that time. It may be, that my brother's information on those years is better than mine, as he has always had my father's papers in possession. During the old Indian wars we had few officers higher in commission than captains—Maj. Jesse Walton, Maj. William Russell; Captains Samuel Wear, Samuel Handly, Alexander Moore, Landon Carter, Jacob Brown, William Smith, James Stenson, Robert Beane, William Beane, & Samuel Williams; there may have been others that I have forgotten. Those mentioned were valuable men, & fought through the war of the Revolution. There is one person more I will bring to your notice—my Uncle Valentine Sevier. He was a major some time before the close of the war. There was no campaign from Lewis's in '74, until the close of the war in '82, that he was not in against the Indians, besides several to the South against the British & Tories, where he fought nobly. In the fall of '89 he moved to the Cumberland country, where shortly afterwards he had nearly all his family murdered by the Indians. He died himself in 1800; his widow is still living at the age of 93 years, receiving a pension under the act of July 4th, 1836, of \$260 per year. My uncle was one of the first settlers of the western country—moved several years before my father. My grandfather, Valentine Sevier, died in the year '96, at the age of 97, as well as I now recollect. My father & mother were both very young when married, say about the middle of their teens, which may account for my father not being older than 35 or 36, & having two sons in the battle. They were married in Virginia, their native State. My mother's maiden name was Hawkins; she died in the year 1780, & my father married his second wife the same year, whose maiden name was Sherrell. Col. Ferguson's given name was Patrick, as well as I now recollect, & I believe I am not mistaken. You have seen that Capt. Robert Sevier fell at King's Mountain. He had been to the South almost twelve months in the service of his country, before he raised his company for the King's Mountain campaign. He was a prudent officer, a stranger to fear, & zealous in his country's cause & service. In all the Indian wars from the year '80, to the year '88, as well as to King's Mountain & a campaign to South Carolina, I was with my father; shared in all the dangers & difficulties that awaited our then situation.

When the war virtually closed after the taking of Cornwallis, our services were no longer needed, and we returned from the battlefield, so far as respected the British war.

Thus, Sir, I have given you an account of all the particulars of my father's campaigns, so far as I now recollect them. There may have escaped my memory many little incidents that happened, which might serve to amuse, but they are lost to me & the public. I shall be truly gratified if what I have written should be of any service to you in your laudable undertaking. The writing is, I believe, legible but badly written, & I have no one to copy for me—you will please excuse it. I send you my father's signature which was never changed for forty years

Yours very respectfully,

(Signed)

James Sevier.

Carefully copied from the original, for Col. E. W. Sevier, at Forest Hill, February 16th, 1844, by Lyman C. Draper.

KU KLUX MYSTERIES.

[In the January number, 1900, of this magazine, the prescript of the Ku Klux Klan was given, being a photographic facsimile of the original. A few days ago, Col. J. J. Turner, of Gallatin, Tenn., presented the magazine with an old circular printed during Ku Klux times, and now bearing the marks of age, which purports to be an explanation of the secret cypher used by that mysterious organization. It seems to refer to a secret card on which the cypher was written or printed. Colonel Turner thinks there was no such card. The circular is without date or designation, and is reprinted below, as follows:]

EXPLANATION.

Suppose you wish to send the following communication: "The hope of the nation is in Grant," and suppose the key employed to be "sow rye." First write the communication with the letters of the key under it, thus:

The	hope	of the	nation	is in	Grant.
sow	r	yes	ow	r	yesow.

repeating throughout the communication the letters of the key, letter for letter, with the letters of all the important words of the communication. It will be observed that unimportant words, such as the, of, is, in, which convey no clue, are written in running hand, in their proper characters. The important words, that convey the meaning, are written in separate letters, in cypher, as will now appear. Having written the communication with the letters of the key under it as above, thus:

The	hope	of the	nation	is in	Grant.
sow	r	yes	ow	r	yesow.
patn	p	w	bus	w	inix

Find on the card, S h, (the first letter of the key and the first letter of the word to be sent in cypher,) and above it, in the line of black letter capitals, is P, the first letter of the cypher, which write under S h, as above; then find O o, and above it in the line of black capitals is A, the second letter of the cypher, which write under O o; find W p, and above it in line of black capitals

is T, the third letter of the cypher, which write under W p; find R e, and above it in line of black capitals is N, the fourth letter of the cypher, which write under Re; and so on, for Yn, we find P; for Ea, we find W; for St we find B; for Oi we find U; for Wo we find S; for Rn we find W, and thus for the whole communication, writing the letters of the cypher, (which it will be observed, are taken exclusively from the line of heavy black capitals,) under its equivalent letters of the key and communication. This being done you copy and transmit the message in cypher thus: "The patn of the pwbusw is in in iz x." The party receiving, being previously in possession of the key, in order to translate the cypher, writes the letters of the key under the letters of the cypher, letter for letter, thus:

The	patn	of	the	pwbusw	is	in	in	iz	x
	sowr			yesowr			yesow		
The	hope	of	the	nation	is	in	Grant.		

Then look in the line of black capitals for the first letter p, of the cypher, and follow down the column under p, to S, the first letter of the key, opposite which is h, which write under p s, as above. Look again in the line of black capitals for the second letter a of the cypher, and down the column under A to O, the second letter of the key, opposite which will be found o, which write under ao. Look again in the line of black capitals for t, the third letter of the cypher, and down the column under t till you find W, the third letter of the key, opposite which is p, which write under tw, and so on till the whole is translated.

In sending Messages in Cypher, they should be written on every other line, so that the translator may have space to interline the key and translation, and thus avoid the necessity of copying the cypher. The original sheet from which the message in cypher is copied, should be destroyed, as soon as the cypher is copied. The key should under no circumstance remain written longer than necessary to copy or translate, and should then be immediately destroyed. The key "Sow Rye" here used, is merely for illustration. Any word or sentence may be used in the same way, being first given to your Correspondent.

AN INTERESTING STATUTE.

[In the year 1794, by "a resolve of the General Assembly," Francois-Xavier Martin was appointed to collect and publish all the private statutes of North Carolina, in force at that time. In obedience to this "resolve," Mr. Martin published the book known as "Martin's Private Acts of North Carolina." This book includes all private statutes from 1715 to 1790. The book is now out of print, and is inaccessible to the general reader. The following act possesses historic interest:]

"Chap. LVIII. An act for the relief of sundry petitioners, inhabitants of Davidson County whose names are therein mentioned."

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same; that the persons whose names follow, viz.: John Cockrill, Ann Cockrill, formerly the widow Ann Johnston, Robert Espey, James Espey, John Buchanan, Cornelius Ruddle, James Mulkerin, James Tood, Isaac Johnson, John Gibson, Francis Armstrong, John Kennedy, junior, Mark Robertson, William Ellis, James Thompson, James Shaw, James Franklin, Henry Howdishaft, Pierce Castillo, Morris Shean, William Logan, David Flood, John White, Peter Looney, William Collins, Jonas Maniffiee, Daniel Williams, John Evans, Andrew Thompson, Gasper Mansco, George Freeland, Daniel Johnston, Edward Swanson, Andrew Kellow, Francis Hodge, John Mulkerim, James Freeland, John Tucker, James Foster, Amos Heaton, Dennis Condry, Frederick Stump, Russel Gower, Andrew Ersin, Thomas Rater, Isaac Lindsey, Moses Winters, James Harris, John Brown, Lewis Crane, John Montgomery, Stephen Ray, Daniel Hogan, Thomas Spencer, Humphrey Hogan, Haydon Wells, Henry Ramsey, John Barrow, John Thomas, William Stewart, Samuel Walker, David Rounseval, Arthur M'Adoe, James M'Adoe, Henry Turney, Samuel Barton, John Dunham, Ephraim Pratt, William Overall, and James Robertson, and the heirs and devisees of Zachariah White, Alexander Buchanan, James Leiper, James Harrod, Alexander Thompson, David Maxwell, Robert Lucas, Timothy Tirrell, William Hood, Edward Carvin,

William Neely, James Shanklin, Samuel Morrow, George Kennedy, John Robertson, Abel Gowen, senior, Abel Gowen, junior, Nicholas Trammell, Philip Mason, James Turpin, Nathan Turpin, Jacob Stump, Nicholas Gentry, William Cooper, Jacob Jones, James Mayfield, William Green, William Johnston, Samuel Scott, George Aspic, William Leighton, John Crutchfield, Joseph Hay, John Searcy, Isaac Lucas, Patrick Quigley, Jacob Stull, Joseph Milligan, Abraham Jones, David Crane, Benjamin Porter, Edward Larimore, William Gausney, Jonathan Jennings, David Garvin, Jesse B—lston, Joseph Renfrew, Philip Conrod, William Gausway, John Bernard, John Lumiden, John Gilkey, Solomon Phelps, James John, Thomas Hainey, Alexander Allerson, John Blackamore, James Fowler, John Macmurtry, John holly, John Galloway, and Isaac Lafovour, who were killed in the defence and settlement of the said county of Davidson, shall each and every one of them be entitled to receive from the governor for the time being, a grant for six hundred and forty acres of land, without being obliged to pay any price for the same. Provided that every person receiving such grant shall pay the surveyors and other fees of office.

II. Be it further enacted by the authority foresaid, that Christopher Gais, senior, Christopher Gais, junior, Jonathan Gais, Kasper Bocher, Richard Breeze, Phines Cocke, Mark Nobles, John Kitts, Isaac Mayfield, Samuel Hollis, Isaac Rounsevall, Eneas Thomas, Joshua Thomas, Caleb Winters, John Buchanan, senior, John Kennedy, junior, John Castello, Robert Thompson, and Sampson Williams, shall each and every one of them be entitled to enter with the entry-taker of Davidson county six hundred and forty acres of land, without being obliged to pay any price for same, except surveyors and other fees of office, which they and each of them may locate on any vacant land in the said county, the lands laid out for the officers and soldiers excepted; and the Governor is hereby authorized and required to make such grant in the same manner to each and every of the before named persons as if they had paid the full price of ten pounds per hundred acres.

III. And less dispute may arise by two or more pre-emption rights being located on the entry-taker's books of Davidson county to the same place, Be it further enacted by the authority aforesaid, that in such case, the person in whose name such entry

be first made shall have the preference, and a grant shall pass to him for the same; and the person or persons in whose name any other entry or entries shall be made and located to the same place may, and it shall be lawful for them to locate the same on any other vacant land; and law, usage, or custom to the contrary notwithstanding.

THE RECORDS OF WASHINGTON COUNTY.

Robt. Been made Oath that Wm Faulding Deed. Is Justly Indebted to him the sum of three Hundred pounds. £300.

Ord. that Josiah Hoskins Jas. Roddy and Jesse Hoskins Be allowed for serving Eight days each for assessing the Taxble property on Roan's Creek.

William Hicks proved an Acct. agst. the Estate of Wm Faulding Deed. for the Sum of £1. 13. 4.

Isaiah Hamilton made oath his Ear Mark of Cattle Sheep and Hogs is a Smooth crop in the left Ear and an under Keel in the Right and the Same is ord. to be Recorded.

John Nave

vs

Cavit

John Clark

The Sheriff returns here into Court that the Jury do find a Specl Verdt. the Court Ord. New Tryall.

Andrew Greer

vs

Cavit.—The Court Order New Tryall.

David Joab

Andrew Greer by his Attorney Spruce Macay prays an Appeal in his Suit with Saml. Henry wherein the sd Saml. Henry Obtained. Judt vs the sd Greer for the sum of £58. 14. 9 and 6d Cost—which apeal was Accdgly Granted, He entering into Recog. as by Law requd.

Andrew Taylor

vs

Cavit

John McNabb

The Sheriff returns that the jury do find for pltff.

John Dunham

vs

Cavit

Jury find for pltff.

Abel Lanham

Orders to issue Accdg.

George Willfong, Admr

vs

Cavit. The Jury find for the pltff. And the Court order that orders for Warrant issue Accordingly

John Clark

John Clark came into Court and prayed an appeal to his Suit George Willfong vs him on a Cavit which appeal was accordingly Granted his Entering into Security according to law.

John Clark entered himself in the sum of Ten thousand pounds with Andw Greer his Security to prosecute his Suit on appeal with effect against George Willfong, Admr. of Phillip Adams Deed.

Andrew Greer Enters himself with Jesse Walton Esq his security in the sum of five hundred pounds. Void on condition that sd Andw Greer prosecute his appeal with effect in His Suit with Saml. Henry

Court adjd till to-morrow morning 9 o.c.

Thursday 26th day. Met acc. to adjmt.

Prest. the Worshipfull

John Carter, Cha.

Chas. Robertson

And. Greer

Tho. Houghton

Wm Clark

Geo. Russell

Zachr White

Esqrs.

Ord. that the Sheriff Collect from Wm Moore four fold, his Taxable property being apraised by the Best information that John Woods, Jacob Brown and Jonathan Tipton Assessors could Get to the Sum of Eight Thousand pounds.

David Robertson

vs Cavit

William Ritchee

The Sheriff Returns here into Court

That the Jury do find for the pltf.

On motion of the Defdt. it is the Opinion of the Court that there be a New Tryal by Jury.

Ord. that the Sheriff Collect the following Taxes for the year 1779

For the Public Tax for every hundred pounds	£1.	5.	0.
The County Tax Ditto		5.	0
The District Tax "			.4

£1. 10. 4

The Court House, Prison, & Stocks pr. do

2. 6

£1. 12. 10

Andw Greer

vs Cavit. The Sheriff returns into Court that the

Howel Doddy

Jury do find for defdt.

Same

vs Same. The plff. notwithstandg came into Court and re-
linquished his Right and Title of the sd Cavited
Lands unto Andw Greer Dfdt.

Wm Cocke

vs Cavit—The jury find for defdt.

Peter Huffman

Jonathan Edwards

vs —The defdt. is discharged

David Stoderd

State

vs Recognizance—The sd George being solemnly Called
Geo. Dayley and failing to appear the Court therefore ord. that
Scire of Facious issue vs him returnble to next
Court

The Return from Richd White Esq. of the Taxble Property in his
Dist. is Retd here into Court and Reed.

Volentine Sevier, Jesse Walton, Andw Greer & Wm Clark Esqrs
entered themselves into bond in the sum of forty thousand pounds
for Volentine Sevier's performance as Sheriff for the year 1779

Ord. that Andw Greer be apointed Overseer of the Road from
Col. Sevier's on Wattauga to within two miles of Solomon Smith's
in the room of Charles Robertson Esq

Ord. that Edward Smith be apointed to open the road from the
Double Creeks to Ning hoskins, the List filed to be his hands to
work thereon.

On motion that a fine of £25. be remitted Imposed on James
Millican for Insulting the Court.

The Court on Considering the matter have remitted the fine
accordly.

Court adjd. till Court in Course

John Carter. C— W— C—

Tho. Houghton

Zachr Isbell

William Clark.

End of August Term, 1779.

At a Court begun and held at the Court House the 22nd day of
November 1779 Present the Worshipfull

John McNabb Char.

Benjm Gist and John McMahon Esqrs

Ord. that Matthew Talbert, Jonathan Tipton, Francis Hughes, William Ritchee and Saml. Williams be summoned to appear at the next Court To show Cause why they did not attend the Grand Jury Acco. to Summons.

Ord. that Andw. Taylor, Jas. Stinson Godfrey Isbell be summoned to Shew Cause at the next Court why they Did not attend as Petit Jurors according to Summons.

George Webb proved the Convey. of 580 acres of Land from Shad. Morris by the Oath of David Webb

George Webb proved the Convey. of 649 acres of Land from Benjamin Pyburn and Mico — by the Oath of David Webb

Read the petition of James English setting forth that He has got a Convenient place to erect a Grist Mill on the Lime Stone fork of Lick Creek, and prayeth Leave to build one &c which petition was accordgly Granted

Jacob Dyck is ordered into the Custody of the Sheriff

Court adjourned till to-morrow morning 9 oclock

Court Met According to adjount.

Present the Worshipfull

John Carter, Cha.

Joseph Willson, Thos. Houghton, Wm Clark Charles Robertson, Wm Bean and Benjamin Gist Esqrs

Wm Cocke acknow. the Convey. of 200 Acres of Land During the Life of Wm McClain and his present wife and other purposes therein Mentioned and Same is Ord. to be Recorded.

William Marlin ear mark of Cattle Sheep and Hogs is a Crop, Hole and Under Keel in the right Year and an uper Keel in the Left and the Same is ordered Recorded.

Henry Earnest made Oath that he Servéd five days in Assessing the property of the Inhabitants of his District and was allowed

Chas. Robertson acknow. the Convey. of 150 acres of Land unto John McMahon Esq

Chas. Robertson acknow. the Convey. of 200 acres of Land unto Jno. McMahon Esq.

A power of Attorney from Reuben Dunham to John Hamilton was proved by the Oath of Edward Hughes and the Same is Ord. to be Recorded

William Richard Davie Esq produced a License from the Honble Saml. Ashe, Saml Spencer and John Williams empowering the sd W. R. Davie Esq. to practice and plead Law in the Sevl County

Courts in this State—and is in Obedience to said License is permitted to practise and plead in this Court

Elisha Baulding appeared and is ord. to appear at the next Court

State

vs

Elisha Baulding Prin. in the sum of £1000

Elisha Baulding

Void on condition personal appearance Next Court

State

vs

Witness vs Elija Baulding

John Higgons Wm Higgons Prin in £100

Richd White Secuty 50.

-Void on condition the prin. appar at next Court.

Chas. Robertson Esq. acknow. the Convey. of 580 acres of Land unto Shadrick Morris

Jacob Dyck appeared and is discharged from his Recognizance

George Vinson, Hugh Fulton and Isaac Taylor Took the Oaths appointed for a Surveyor.

Samuel Tate appeared and is ordered to appear next Court.

State

Saml. Tate Prin in the sum of £500

vs.

Richd White Secuty the sum of £250

Saml Tate Void on condition the principal appear next Court

Benjamin Cobb and Solomon Smith is allowed 4 Dollars pr. Day for five Days Each for assessing in the year 1778

John Higgons, Josiah Hoskins and James Mauldin is allowed 4 dollars pr. Day each for 2 days for assessing last year 1778

Court adjd till to-morrow morning 9 o.c.

Met according to Adjournment.

Present the Worshipfull John Carter, Cha. Benj. Gist and Richard White, Esqs.

Asael Rawlings made oath that he served 5 days in assessing and is allowed 10¹/₈

State

vs

Witness

Elija Robertson

Elija Robertson Prin. £200.

John Gillaland Secty 100

On Condition Prin. appear at Next Court to give Testimony vs Robt Lusk

THE HISTORY OF THE
REIGN OF
HIS MAJESTY
GEORGE THE THIRD
BY
SAMUEL JOHNSON
ESQ;
IN TWO VOLUMES.
LONDON:
PRINTED BY A. MILLAR, IN ST. PAUL'S CHURCH-YARD, 1764.
AND BY J. DODD, IN ST. MARTIN'S LANE, 1765.
AND BY J. JOHNSON, ST. PAUL'S CHURCH-YARD, 1766.
AND BY J. JOHNSON, ST. PAUL'S CHURCH-YARD, 1767.
AND BY J. JOHNSON, ST. PAUL'S CHURCH-YARD, 1768.
AND BY J. JOHNSON, ST. PAUL'S CHURCH-YARD, 1769.
AND BY J. JOHNSON, ST. PAUL'S CHURCH-YARD, 1770.
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AND BY J. JOHNSON, ST. PAUL'S CHURCH-YARD, 1772.
AND BY J. JOHNSON, ST. PAUL'S CHURCH-YARD, 1773.
AND BY J. JOHNSON, ST. PAUL'S CHURCH-YARD, 1774.
AND BY J. JOHNSON, ST. PAUL'S CHURCH-YARD, 1775.
AND BY J. JOHNSON, ST. PAUL'S CHURCH-YARD, 1776.
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AND BY J. JOHNSON, ST. PAUL'S CHURCH-YARD, 1779.
AND BY J. JOHNSON, ST. PAUL'S CHURCH-YARD, 1780.
AND BY J. JOHNSON, ST. PAUL'S CHURCH-YARD, 1781.
AND BY J. JOHNSON, ST. PAUL'S CHURCH-YARD, 1782.
AND BY J. JOHNSON, ST. PAUL'S CHURCH-YARD, 1783.
AND BY J. JOHNSON, ST. PAUL'S CHURCH-YARD, 1784.
AND BY J. JOHNSON, ST. PAUL'S CHURCH-YARD, 1785.
AND BY J. JOHNSON, ST. PAUL'S CHURCH-YARD, 1786.
AND BY J. JOHNSON, ST. PAUL'S CHURCH-YARD, 1787.
AND BY J. JOHNSON, ST. PAUL'S CHURCH-YARD, 1788.
AND BY J. JOHNSON, ST. PAUL'S CHURCH-YARD, 1789.
AND BY J. JOHNSON, ST. PAUL'S CHURCH-YARD, 1790.
AND BY J. JOHNSON, ST. PAUL'S CHURCH-YARD, 1791.
AND BY J. JOHNSON, ST. PAUL'S CHURCH-YARD, 1792.
AND BY J. JOHNSON, ST. PAUL'S CHURCH-YARD, 1793.
AND BY J. JOHNSON, ST. PAUL'S CHURCH-YARD, 1794.
AND BY J. JOHNSON, ST. PAUL'S CHURCH-YARD, 1795.
AND BY J. JOHNSON, ST. PAUL'S CHURCH-YARD, 1796.
AND BY J. JOHNSON, ST. PAUL'S CHURCH-YARD, 1797.
AND BY J. JOHNSON, ST. PAUL'S CHURCH-YARD, 1798.
AND BY J. JOHNSON, ST. PAUL'S CHURCH-YARD, 1799.
AND BY J. JOHNSON, ST. PAUL'S CHURCH-YARD, 1800.

State Robt. Lusk, Prin. the sum of £1000. Christo. Cunningham and David Hickky Secuty £500 each
vs

Robt. Lusk

Void on Condition prin appear next Court

Court adjd till to-morrow 9 o.c.

Met accordg. to adjnmt.

Present the Worshipfull Chas. Robertson, Benj. Gist, Jno. McNabb Thos. Houghton

Ord. that James Gibson, peter McName & Robert paris be appointed to Cut the Road from the Court House in Washington to Benjamin Gest's Esq

Fauling Admr

vs

Brocken —

Jury impaneled to-wit—Peter McCame Zach. Dillinham, Quilla Lane, Saml. Williams, Jno. Gillaland Jas. Stinson, Jas. Hollis, Jonathan Tipton, Jno Clark, William Ritchee, Danl. Henderson, James Romine. The jury do find £2000 damages

James English Juror in place of Jno. Clark. The above jury passed on the trial of

Jno. Nave

vs

The jury find no damages

Jno. Clark

The Court adjourned till to-morrow 10 o'clock.

Met Accordg. to Adjnmt

Present the Worshipfull Jesse Walton, Jno. McNabb and Charles Robertson Esqs

Jno Webb

vs

Cavit

William Cobb Continued till May Court for Argument

Ord. that Robt. Young be appointed Overseer to Lay off and Cut out a road from the Court House to Robt. Young's, and all the Working Hands within five miles of said Road to work thereon

Ord. that Wm Moore, John Moore, and John Ritchee be appointed to Lay Out and Mark a road The Most Convenient Way from the Burke Line to the Head of Buffalo Creek

On Motion of S. Macay and W. B. Divie Council for Jno. Gillaland prayeth a writ of Error, in a Suit wherein John Shurley was pltf. and sd Gillaland was Defdt. on a Tryal for Cavit. The

Court Taking the same under Consideration Do Grant the Writ of Error According to pryr. &c

Jno Gillaland Prin in the sum of £500

Valentine Sevier, Emanl Carter Secty £250. ea

Void on Condition that principal prosecute his Suit of Error with effect with Jno. Shurley.

Court adjourned till Court in Course.

Jno. McNabb

Jesse Walton

Chas. Robertson

End of 1779.

February Term, 1780.

At a Court begun and held at the Court House on the — day of February, 1780. Present, the Worshipful John Carter, Char.; And Greer, Thos. Houghton, Jno. McNabb, Chs Robertson, Joseph Willson and William Been, Esqs.

On motion that Col. John Carter should resign his office as Entry Taker: The Court have taken the same under consideration and do receive (?) the resignation.

The Court have appointed Mr. Landon Carter Entry Taker. Landon Carter entered himself with John Sevier, William Cocke, Chas Robertson and John Carter, his securities, in the sum of Eight Thousand pounds for his just and faithfull performance as Entry Taker.

Sarah Cullwell have leave of administering the estate of Robert Cullwell, Decd., and have entered herself with And. Greer, Chas Robertson & — — her securities, in the sum of ten thousand pounds.

Ord. that the Clerk certify the Judges of the Superior Court that William Cocke esq. is a man of probity and character, and wish him to be licensed as an attorney if he be found to possess a competent share of — —.

Luke Bowyer Esq. is admitted to practice as an attorney in this Court.

Ord. that if Joseph Buller does not build a mill on his land on Little Limestone within the time limited by law from the date of an order suggested to have been heretofore obtained, that William Hutton shall have leave to build a mill on his land on Little Limestone at his dwelling house.

Ord. that William Been Esq. have leave to build a grist mill on Boon's Creek.

Jacob Fitzgerald proved by oath that he served six days in assessing, and is allowed.

Pharoah Cobb made oath that he served four days in assessing, and is allowed.

Valentine Little made oath that he served as Constable two days in warning the people to give in lists of their taxable property, and is allowed.

James Delany appeared and was discharged.

Ord. that a deds. issue to two Justices of Sullivan County to take the deposition of Jno Coalter in a suit depending between John Nave and John Clark.

Ord. that the Clerk certify that Thomas Hardiman is a person of Good Behavior.

On motion of James Willson,

Ord. that a road be laid off the nearest and best way from the Court House to Jno Howard's, Sr. . . . and have appointed John Ritchie, Peter McName, Isaiah —, Daniel Kennedy, John Howard, Sr., and Thomas Johnston to review the same.

Ord. that the Clerk Deduct out of John Carter's assessment all such Lands as is given into the Court in the said Carter's Inventory and Direct the Sheriff not to collect the Same.

Chas Robertson acknow. the Convey of 640 acres of Land unto Tarrett Fitzgerald.

Ord. that Drury Goodin be appointed Guardeen to Wm Harden.

Court adjourned till Court in Course.

John Carter.

Charles Robertson.

John McNabb.

Joseph Willson.

May Term, 1780.

At a Court begun and held at the Court House on the 22nd day of May, 1780. Present, the Worshipful John McNabb, Joseph Willson, George Russell and Jesse Walton Esqs.

Ord. that Joseph English, Thomas Gillaspay & Thomas Davis be appointed to appraise the Estate of Robert Culwell Decd. and make return of the amount next Court.

The Last will and testament of Joab Mitchell Decd. was duly proven by the oaths of John Colter, Richd Mitchell and James Colter, and the same is ordered to be recorded.

Ord. that Mary Mitchell have leave of administration on the estate of Joab Mitchell decd.

Mary Mitchell entd. herself with Mark Mitchell and George Russell, her securitys in the Sum of Twenty Thousand pounds, for her faithfull administration on the Estate of Joab Mitchell decd.

The Court have appointed Wm Been, Thomas Hardiman and George Russell to appraise the Estate of Joab Mitchell decd. and make return of the amt. thereof to next Court.

Saml. Weaver came into Court and Voluntarily confest that he the sd. Saml Weaver had been with the English army some time and had been in several engagements against the Americans during his Stay with the Enemy, etc. The Court taking the same under consideration do order that the sd. Saml. Weaver be sent to the Superior Court for further tryal.

Isom Yearby came into Court and Voluntarily Confest that he had been inimical to the common cause of Liberty; also having heretofore had the testimony of sundry witnesses against the said Isom Yearby. The Court taking the same under consideration do order said Yearby to be sent to the Superior Court for further Tryal.

A power of attorney from John Maglohlin to Moses Linvill was proven by the oath of Joseph Willson Esq. and the same is ordered to be recorded.

A Bill of Sale from Joseph Fowler to David Blackwell for Ten Head of Hogs as therein mentioned was proven by the oath of John Blackwell and is ordered to be Recorded.

Present, the Worshipful Benj'm Gest and Thos. Houghton Esqs.

Agness Woods have leave of administration on the Estate of John Woods, decd.

Agness Woods have entered herself with David Hughes and Peter McName in the Sum of one thousand pounds, herself and each security 500 pounds each for said Agness' faithful administration on the Estate of John Woods decd.

John Hamilton, John Nave, Peter McName, Saml. Williams, Christopher Cuninghame, Asael Rawlings, Christopher Taylor, John Delaney, Francis Hamilton, Simon Bunday, Matthew Talbert, William Campbell, Joseph Bullard and Robert Gentry,

Grand Jury men—Sworn and charged. Matthew Talbert, foreman. Court adjourned till to-morrow morning, 9 o'clock.

Met according to adjournment. Present, the Worshipful Thomas Houghton, John McNabb, Joseph Willson, Andrew Greer.

Thomas Brandon appointed Constable to attend the Grand Jury.

State

vs.

For passing counterfeit money.

William Nelson.

John Ritchey, James Elliot, Robt. Gentry and Christopher Cuninghame Witnesses

The Court, on considering the case and on examination of the witnesses, are of opinion that he be sent to the Superior Court for Tryal.

John Ritchey, James Elliott and Robt Gentry give bond in the Sum of \$5,000 each to appear at the next term of the Superior Court and give Testimony against Wm. Nelson.

Ord. by the Court that James Stuart have leave to Build a grist mill on his Entry of Land lying on Little Limestone, adjoining the entry of David Hughes, and the Same when Built be a publick grist mill.

James English

vs.

Case.

Aron Pinson.

Robert Lusk, Henry Nave, Jacob Brown, John Waddle, Isaiah Martin, Thos. Talbert, Joshua Green, Hugh Henry, Moses Moore, Adam Willson, Henry Massingill and James McAdams Sworn. The Suit dis. by the plaintiff.

Wm. Nelson Principal the sum of £20,000. Robt. Sevier, John Chiselm and John Waddle, Sec. in the sum of £10,000 each.—Void on condition the principal appear at the next Superior Court.

Wm. Cocke

vs.

In Debt.

Peter McName.

A Jury, to wit. Robt. Lusk, Henry Moore, Jacob Brown, John Waddle, Isaiah Martin, Thos. Talbert, Joshua Green, Hugh Henry, Moses Moore, Adam Willson, Henry Massingill, Jas. McAdams—Sworn.

We of the Jury find for the plaintiff and assess Damages four hundred pounds and six pence costs; from which judgment the defdt. apeals.

Saml. Weaver Jr, principal in the Sum of £10,000. Saml. Weaver Sr, John Bullard and Joseph Nation Secty. £5,000. Void on condition the principal apear at the next Superior Court.

William Campbell took the Oath of Deputy Surveyor under James Stuart Esq. and is admitted to act as such.

Ord. that Isam Irby be admitted to Bail, proviso he give sufficient secty in the Sum of Twenty Thousand pounds himself, and two securitys in the sum of ten thousand pounds each.

Peter McName enters himself with John Ritchey and Benjamin Inman, his securitys, in the sum of Eight hundred pounds; For the sd. Peter McName's Performance in prosecuting his appeal on a judgment against him, obtained by William Cocke plaintiff, said Peter McName defdt. All fees paid.

Court adjourned till to-morrow morning, 8 o'clock.

Wednesday, 24th.

Met according to adjournment. Present, the Worshipful Thos. Houghton, And. Greer, Benjm. Gist, John McNabb, Wm. Clark and Zachariah Isbell, Esqs.

Ord. that Thomas Brandon be sumd. to apear at the next Court to show Cause why a Conditionl. fine of £40 shall not be Imposed on him for failing to attend on the Grand Jury as Constable.

Ord. that Eml. Carter be summoned to apear next Court to shew cause why a Conditionl fine of £100 shall not be Imposed on him for failing to Serve and attend on the Grand Jury as Constable by order of the Court.

Ordered that the Tavern Keepers within this County shall Take and Receive the following prices, to-wit:

For good W. I. Rum, the quart	40 Dollars:
For good Rye Whiskey, pr. ditto	20 ditto.
For good peach or apple brandy, pr. do.	30 ditto.
For Continent Rum, the Quart	30 ditto.
For Strong Beer, the quart	5 ditto.
For a Hott Diat	12 ditto.
For Brakefast or Super	8 ditto.

Valentine Sevier

vs.

In Debt.

George Dayly.

A Jury to wit David Job, Jas. Wray, William McAdoo, Martin Maney, Julius Roberts, Jacob Brown, Jonathan Tipton, Samuel Tate, Robt. Lusk, John Jones, William Cox, Hosea Rose—Sworn.

The Jury assess two hundred pounds Damage and Six pence cost.

The State

vs.

Indictmt.

Mary Greer.

True Bill. Capias to issue vs. defdt.—(Issued.)

Thomas Early

vs.

Debt.

Thos. Lott & Elza Robertson.

The above jury on the aforesaid Tryal.—Dismist by plaintiff.

The State

vs.

Indictmt. True Bill and defdt. gave bail, for
appearance next Court.

Saml. Tate.

The State

vs.

Indictment. True Bill. Capias to issue vs.
defdt.—Issued.

William McAdoo.

The State

vs.

Indictmt.—Not a true Bill.

James Delany.

Ord. that James Roddy, John Diggins and Richd Willson be appointed assessors of the Roans Creek District, and that Andrew Willson be appointed Coustable to warn the Inhabitants, and Richard White be appointed to receive the Inventory of the Same.

Ord. that John Shelby esq. be appointed to receive the Inventories of the Taxble property of Captains McNabb and Vol. Sevier's Companys; that Saml. Culberson, Robt. McAfee & Ralph Humphreys be appointed assessors for the same; also that Eml. Carter be appointed Constable to notify the people.

Ord. that Geo. Russell esq. be appointed to Receive the Inventories of the Taxable property of Captain Been's Company;

and that Thos. Hardeman, John Russell and Arthur Cobb assess the Same, and that Bradley Gambril be Constable to notify the people.

Ordered, that Jesse Walton esq. be appointed to receive the Inventories of the Taxable property belonging to Captains Brown, Williams, Isbell & Patterson's Companys; that John Nave, Alexander More & William Murphy be the assessors and that John Bond be appointed to notify the people as Constable.

Ordered, that Joseph Willson esq. be appointed to take the Inventories of the Taxable property within the Companys of Captains Trimble, Willson, Gest, Stinson & Davises; that Saml. Moore, John Alexander and Adam Willson be the assessors and that Thomas Brandon be appointed Constable to notify the people.

Ordered, that the Inventory of the Estate of Wm. More now to be given in to the Clerk by Jacob Brown, Jonathan Tipton and Jno. Woods, assessors, should be received, and that the Clerk shall give Instructions to the Sheriff to collect to the amount of the sum that shall be found to be Due on the same, and no more.

Elisha Baulding appeared and was Discharged By proclamation.

Volentine Sevier is appointed Sheriff for the Ensuing year.

Volentine Sevier, Sheriff, is allowed for his ex officio services for the year 1779 the sum of one thousand pounds.

John Sevier, Clerk, is allowed for his ex officio services for the year 1779 the Sum of Seven Hundred and fifty pounds.

The State

vs.

Indictmt. Not a true bill.

John Odull.

Saml. Tate, principal in the sum of £10,000. And. Greer & Joseph Bullard, Sectys, each £5,000, on condition that principal appear next Court; &c.

James Millican in the sum of £5,000, on condition he appear next Court and give testimony vs. Saml. Tate. Subpa. for Saml. Tate, Collering Coleson & Jno. Grimes. (Supa. Issued.)

Court adjourned till to-morrow morning, 9 o'clock.

Thursday, the 25th.

Met according to adjournment. Present, the Worshipful Jesse Walton, Thomas Houghton, James Stuart, John McNabb & Andrew Greer, Esqs.

Ord. that Deds. issue to the County of Burke to take the Depo. of Charles Wakefield, John Wakefield, Henry Wakefield and Marv Inman in behalf of Amos Bird in a suit depending with Saml. Sherrill.

Ord. that a Deds. issue to take the deposition of Henry Francis in regard to a suit, Saml. Crawford vs. Saml. Williams.

Ord. that a Deds. issue to the County of Burke to take the depo. of Chas. Wakefield in behalf of Saml. Sherrill in a suit depending with Amos Bird.

Ord. that Jno. B. McMahon, Joseph Culberson, William Clark Jr., John Clark Jr. & Ebenezer Byram be appointed to serve as Constables.

John Odull, principal in the sum of £1,000. Wm. Cox & Julius Robertson, Sectvs., £500 each on condition the principal appear next Court, &c.

Ord. that John Sevier be appointed Trustee for the County.

Ord. that Jesse Walton, James Stuart and Thomas Houghton esqs. be and is appointed to settle with the Sheriff and Trustee for the County for the Collections for the years 1778 & 1779 and make report to next Court.

Court adjourned till Court in Course.

August Term.

At a Court begun and held the 28th day of August, 1780, at the Court House.

Present, the Worshipful Jesse Walton, Thos. Houghton, John McNabb & Zachariah Isbell, esqs.

Thomas Hardeman, John Russell and Wm. Stone, assessors, Have returned their Inventory of the Taxable property within their District and the same is Recd.

Ordered, that new orders issue to the Assessors of Roan's Creek District, appointing the same as before and that they make return to our next Court.

Present, John McNabb and Benjamin Gist, Esqs.

Entry taker returns a bond from John Bearden unto Wm. Campbell, sd. Bearden caving 100 acres of Land and No. 2567, and it is ordered that orders for Tryal issue.

Ralph Humphreys, Joshua Houghton, Jas. Roddy, Jon. Tip-ton, Jas. Stinson, Wm. Trimble, Jno. Wood, Jas. Lackky, Thos. Hardiman, Joseph Greer, Abraham Denton, George Gillaspay, Adam Willson and Pharoah Cobb—Grand Jury men. Sworn.

Ord. that Deds. issue to take the depo. of Ann McAdoo on behalf of Mary Greer, plttf., vs. Wm. McAdoo, defdt.

Court adjourned till to-morrow morning at 9 o'clock.

Tuesday morning—Met according to adjournment. Present, the Worshipful John Carter, Thos. Houghton, Benjm. Gist, Charles Robertson, Joseph Willson, John McNabb and Wm McNabb, Esqs.

Edmund Williams, Robert G. . . . , added to the Grand Jury—Ralph Humphrey, foreman. The Jury, being charged, proceeded accordingly.

Saml. Lyle sworn and appointed to attend the Grand Jury.

Thomas Jonachin paid 9 dollars for the recording of His mark and giving a copy of the record of same.

George Dayly, principal in the sum of £20,000. Joseph Buller and John Smith, Securitys, £10,000 each. Void on condition principal appears at next Court and not depart without Leave.

Moses Johnston, principal, £20,000. Jos. England & Jas. Crawford £10,000 each. On condition principal appear next Court and not depart without Leave.

Ord. that Maj. Jesse Walton be directed to make return of the Inventories of the Taxable property within his District wherein he was appointed last Court.

Ord. that George Dayly be entitled to take his creatures and other property now in the hands of Alex. McFarling and Michl Carter, the said George Dayly having entered into security as required by Court.

Ordered: that Moses Johnstone be intitled to take and receive his creatures and other property now in the hands of — Hickky sd. Moses having given bond and security as required by Court.

Received from Jas. Roddy £3, for Copy of allowance for assessing, 1779.

A Bill of Sale from — — — unto John Ritchey for one bright bay — — and other creatures as therein mentioned was Duly proved by the Oath of Ezekiel Paramon, and the same is ordered to be recorded.

Ord. that a fine of £100 be imposed on John Chisolm, Esq., for being Guilty of strikeing and beating of Abraham Denton in the Court yard. Also Disquieting the Peace and Decorum of the Court, and that the Clerk issue an execution for the same.

State

vs. For speaking Words Treasonable and Inimical to the Common Cause of Liberty, &c.
John Reding.

Sam. Matthews—Witness for the State. The Defdt. pleads not Guilty at his Tryal.

The Court duly Considering the Case and Deliberately hearing the Witness are of opinion that he, the Defdt., give Security for his apearance to the next Court.

John Reding, principal, £20,000. John Buller & John Clark Jr., £10,000 each. On condition principal apear next Court, &c.

John Reding made his apearance and Moses Embry, his security, is releast from his recognizance.

Ord. that John Been, Benjm. Cobb and George Russell review a way for a road from Choat's Ford on Holson to the Cherokee ford or elsewhere on Big Limestone and make report to our next.

Ord. that Jno. Been, Benjamin Cobb and George Russell review and mark a way the most convenient for a public road from Choat's ford the most convenient way to the Court House and make report to our next of the Conveniences and Inconveniences.

Saml. Tate, principal in the sum of £10,000. Jas. Roddy, his Security, £5,000. On condition principal apear next Court, &c.

State

vs. Stealing Sheep.—True Bill.
Jas. Delaney.

State

vs. Treason.—True Bill.
John Reding.

Ord. that Abraham Denton have leave to build a Grist Mill on Sinking Creeek on his own Land, and after same being so built shall be entitled to take and receive the toll which is due and entitled to be received by Public grist mills.

Ordered that Isaac Lane be appointed Constable in room of Bradley Gambрил.

Joseph English, Thomas Davis and Thomas Gillaspy returned the apraisement of the Estate of Robert Culwell Deed., amounting in the whole to £5394. 18. 0. and the same is received by the Court.

Ordered that of Jno. Francis and Mary Carr on behalf Walter Carr, plttf. vs. Hezekiah Chaney, defdt.

State

vs.

Indct.—Manslaughter. True Bill.

John Shelby.

The Court taking the same under Consideration and Duly Considering the same in the most Mature and Deliberate Manner are of opinion that the defendant, Jno. Shelby, be Acquitted.

Court adjourn till to-morrow morning, 9 o'clock.

Wednesday morning. Met accordg. to adjourn.

Present, the Worshipful Charles Robertson, Thomas Houghton, Andrew Greer and William Cobb, Esqs.

John Russell made oath that he served four days in assessing the taxable property in the district wherein he was appointed, and is allowed 60 Dollars pr. day.

The Court are of opinion that the Assessors and Constables of the County be allowed sixty dollars pr. day, and is allowed for their services in assessing, &c.

Robt. Sevier.

vs.

Attachment.

Thomas Morrison.

The Sheriff returns into Court that he hath summonsed George Daly as Garnishee, and the sd. Garnishee failing to appear, the Court order that Sc. Facias issue vs. the Garnishee.

The Court having taken (under consideration) the appointment of Commissioners for the County, to be judges of the Different kinds of paper emissions in Circulation in this County, or may be hereafter agreeable to an act of Assembly, in that case made and provided in Order to prevent frauds and imposition that may be committed in sd. County, and for the purpose of Detecting and Suppressing Vices of this Kind have appointed John Sevier, Wm. Cobb, Thomas Houghton and Andrew Greer, esqs., to be the Judges and Viewers of all such monies, &c., and have accordingly taken an Oath for the performance of sd. Trust.

State

vs.

For failing to serve as Constable.

Emanl. Carter.

The Sheriff duly summonsd. defdt. to appear. and defdt. appearing accordg., the Court taking the same under Consideration are of opinion that the fine ordered to be Inflicted on sd. defdt. at May Session should be remitted, defdt. paying costs.

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The first thing to be done is to get the patient's attention. This can be done by asking the patient a question or by making a statement that will interest him.

Once the patient's attention is attracted, the next step is to get him to talk. This can be done by asking him a question or by making a statement that will encourage him to talk.

When the patient is talking, the doctor should listen carefully. This will help him to understand the patient's problem and to decide what to do next.

After the doctor has listened to the patient, he should explain the problem to the patient. This will help the patient to understand what is going on and to decide what to do next.

The doctor should then explain the treatment to the patient. This will help the patient to understand what he is going to do and to decide whether or not he wants to do it.

Finally, the doctor should check to see if the patient understands what he has said. This will help to make sure that the patient is getting the most out of the visit.

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Ordered, that Isaac Taylor, son of Andrew, be appointed to serve as Constable in the room of Emanl. Carter.

Ordered, that Thos. Houghton, Jesse Walton and James Stuart Esqs. be appointed to settle with the Sheriff and Trustee of the County and make return to the next Court.

Court adjourned till Court in Course.

Thos. Houghton
William Cobb.
Charles Roberson.
Andrew Greer.

Recd. of Emanuel Carter £20, to be settled . . . his costs for be. sumd. to Court, &c.

November Term, 1780.

At a Court begun and held at the Court House on the 17th day of November, Anno Dom. 1780.

Present, the Worshipful Charles Robertson Cha. Wm. McNabb, John McNabb, Thos. Houghton, Jesse Walton & Benjamin Gist Esqs.

Josias Martin came into Court and made oath that the Ear Mark of his Cattle, Sheep and hogs is a smooth crop in the left ear & in the right ear a half crop on the upper side and the tail cropt off the hogs, and same is ordered to be recorded.

Joseph Willson being summoned as Garnishee of Jas. Robertson by Martin Maney declaires on Oath that he hath one Hundred and Ninety Dollars in his hands and judgmt is Given against Garnishee for the Same.

A power of attorney from Wm McBride to Robt. Willson Investigating him with certain Lands, &c., is proved by the oath of Joseph Willson Esq. and Same is ord. to be Recorded

Charles Allison, John Newman, Robt. Allison & Danl. Kenedy took the Oath appointed by Law for Justices of the Peace and took their seats accordingly.

The nuncupative will of John Bullard Decd. Duly proven by the oaths of Joseph Nation, Ellinor Nation and Anne Buller, and same is ordered to be Recorded.

Court adjourned till to-morrow morning, 9 o'clock.

Met according to adjournment.

Present, John Carter Cha., Chas. Robertson, Benj. Gist, Wm. McNabb, Thos. Houghton, Jos. Willson, Chas. Allison, Godirey Isbell, Danl. Kenady & Rich. White Esqs.

The List of Taxables for the Roan's Creek District is ret'd. by Richd. White Esq. and is Recd. by the Court.

The Court order that Mrs. Hannah Millican do receive forty bushels of corn that was the property of Phillip Shelby, being corn due to James Millican decd from sd Shelby for serving as substitute in behalf of Shelby.

Wm Murphy, John Nave & Alex Moore, Assessors, maid their return and is recd by the Court.

Wm Murphy and John Nave made oath that they served five days assessing and is allowed.

Joseph England, Prin.,	£10,000
Jas. Stinson, Secty.,	£ 5,000
Jas. Carr, Secty.,	£ 5,000

On cond. that principal be of good behavior and make his personal appearance to our Next Court.

George Dayly and Joseph Buller, Jos. England, James Crawford & John Smith, his securitys, is Discharged from there recognizance entered into last Court.

Moses Johnstone and Joseph Buller, Jos. England, Jas. Crawford & John Smith, his securitys, is discharged from their recog. entered into last Court.

Joseph Keenay, principal,	£40,000.
Joseph Buller, Joseph Dunham, Securitys,	£20,000 each.

On Condition principal appear next Court.

James Gibson in the sum of £5,000;

Jesse Green in the sum of £5,000;

Jas. Robertson in the sum of £5,000;

Wm. Greer, £5,000.

On Condition they appear next Court to give testimony vs. Joseph Keenay,

Court adjourned till to-morrow morning, 9 o'clock.

Wednesday morning. Met accordg. to adjournment. Present, Jesse Walton, Wm. McNabb, Chas. Robertson, Thos. Houghton & Jas. Stuart Esqs.

State

vs.

Recognizance—for being

Jas. Ray.

Inimical to the State.

Joseph Carter, Witness for the State

Chas. England, Witness for Defdt.

} Sworn.

The Court order defendant to enter into recognizance for his appearance Next Court.

Jas. Ray, Principal in £20,000

Wm. Cox, Jas. —, Secty, each £10,000

On condition the principal be of good Behavior and make his personal appearance to the next Court.

Saml. Tate, Principal, £10,000

Jos. Bullard, Drury Goodin, Sectys, each £ 5,000

On condition prin. make his appearance next Court.

The State

vs. On Recog. for being inimical

Humphrey Gibson, to the State, &cc.

Jas. Ray, Witness for the State.—Sworn.

Court order Defdt to enter into recog. for his appearance next Court.

Humphrey Gibson, prinl. £20,000

Jos. Dunham, Jos. Bullard, each £10,000

Condition principal appear next Court and be of a good and peaceable behavior.

Joseph Bullard and his Security, Joseph Brown is released from the Recognizance entered into before Charles Robertson for Joseph Bullard's appearance to this Court.

Ord. that the Commissioners advertize and sell the properties of James Crawford and Thos. Barker, they the sd Crawford and Barker being found and taken in arms against the State.

Adjourned Court till to-morrow morning, 9 o'clock.

Court met according to adjournment: Present, the Worshipful Thos. Houghton, Jesse Walton and William McNabb Esqs.

Luke Bowyer

vs. in Debt.

John Shelby

& Edward Sweeton.

Judgmt according to Specialty & Costs.

Phillip Connoway

vs. Attachmt.

Godfrey Isbell.

The Sheriff returned that the same is Levied on a parcel of Corn in the hands of Wm. Hatcher. Judgmt for £4,000. and costs and Order of Sale. The plttf. agreed to take the corn and allow. give to the amount of the judgmt for same.

Wm Cannon

vs. On attachmt.

Wm Murphy Jr.

The Sheriff returns the same Levyed on a Riffle gun.—Ordered to be dismist.

Robt. Blackburn

vs. Attachmt.

George Hamilton.

Dismist for want of prosecution.

John Trimble

vs. Attachmt.

Geo. Hamilton.

Dismist for want of prosecution.

The Court have elected Cieavers Barksdale high Sheriff for the year 1780.

Ord. that John Holly go and take away a bay horse with a Star in his face, being the sd. Holly's property taken away from him by a certain Thos. Mitchell.

Ordered that Capt. John Patterson deliver unto John Holly a certain Riffle gun, being the property of said John Holly.

John Black have Leave of Administration on the estate of Michael Mahoney decd.

John Black, principal

£10,000

Chas. Robertson, Richd. Minton, Security, each £5,000

Recd. 23 dolls.

On condition that John Black make a faithfull administration on the Estate of Michael Mahoney decd.

Court order Joab Reynolds, David Reynolds & Joseph Lovelady do have there arms, ammunition, &c delivered to them again which was taken by Capt. Nathl. Davis, 2. Reynolds pay 8 dollars (Copy for the Reynolds issued).

Ordered by the Court that Joseph Keena be entitled to take and receive his property taken by James Gibson &c.

Ordered that James Boilstone have his mare returned him that was taken by Capt Patterson.

Cleavers Barksdale have entered himself with Charles Robertson & Jesse Walton, his Securitys, in the sum of thirty thousand pounds for his faithfull discharge of his office as high Sheriff for this County for the year 1780.

John Sevier entered himself with Chas. Robertson esq. in the Sum of five thousand pounds for his faithful performance as Trustee for the year 1780.

Join Chisolm esq. took the Oath of a deputy Surveyor under James Stuart Esq &c.

Court adjourned till Court in Course.

Thos. Houghton

Jno. McNabb

Benj. Gist

Wm. McNabb

James Stuart

Jno. Chisolm.

February Term, 1781.

At a Court begun and held at the Court House on Monday the 26th day of February 1781 Present the Worshipful Chas Robertson, Thos. Houghton, Jno. McNabb, Jos. Wilson, George Russell & Rob. Allison Esqs.

Ord. by the Court that all those who gave and entered into recognizances last Court be Recognized until next Court.

A Bill of Sale from Sarah Resinor to Robt. Paris for a black mare & some other creatures, both Horses and Cattle, as therein mentioned, was duly acknowledged by the sd Sarah Risenor and is ordered to be Recorded.

Daniel Higdon came into Court and proved himself by the oaths of several credible witnesses, also by the certificates of sundry gentlemen, that he the sd Daniel Higdon is a zealous and Good friend to his Country, and that the Court do earnestly recomend it unto Mr. Jas. Roddy to deliver unto the sd. Daniel Higdon a certain negro man named James which he the said Roddy's Company took from Henry Grimes, proviso that sd Higdon do well and truly prove his property of the sd Slave.

Rebecca Lowry have Leave of Administration on the Estate of Robt. Lowry decd, she first giving bond and security as by Law required.

Rebecca Lowry, principal, in the sum of	£15,000
Saml. Wier & John Wier, Sectys,	£ 7,500

Void on condition that Rebecca Lowry do make a Lawful administration on the Estate of Robt. Lowry.

John Trimble

vs. Attachmt.

Geo. Hamilton.

James Grimes being summoned as Garnishee declares on oath that there is several things in house which was attached by Jos. Pearson, a deputed Constable, and return made to this Court, which effects are ordered to be sold, to first discharge sd James Grimes' debt to the sum of £802 & Cost: if any overplus to be subject to the Discharge of John Trimble's debt, being the Sum of £1600 and Cost.

Robert Blackburn

vs. Attachmt.

Geo. Hamilton. Dismist.

John Allison

vs. Warrant for Stealing Corn.

Francis Baker.

The Court on hearing the Testimony of the Witnesses and considering the facts are of opinion that the deftd receive five Lashes on his bair back.

Hannah Millican have Leave of Administration on the Estate of James Millican, decd.

Hannah Millican, principal. £10,000

Jno. Lyle & Jno. McNabb Esqs, Secty. £ 5,000

Void on condition Hannah Millican make a Lawful Administration on the Estate of James Millican decd.

James Stuart

vs. Attachmt.

John Hughes.

Judgmt by Default and Order of Sale.

Memo. that Wm Ritchie gave in his List of Taxble property 150 acres of Land which sd Land is given in by James Stuart, and it is ordered that the Clerk do not charge the sd Ritchie with the Same.

Court adjourned till to-morrow morning, 8 o'clock.

Tuesday morning met according to adjournment.

Edward Smith appeared this day and is released from his recognizance for his appearance to this Session.

Joseph England, Principal. £10,000

Jas. Carr & John Burrows each £ 5,000

To appear at August Court.

On condition principal appear the next Court, &c.

Joseph Kana, Principal, in Sum of £40,000

Jesse Walton & — —, Security, each £20,000

On condition principal appear at next Court, &c.

Jas. Ray, principal, the sum of £20,000

Jas Carr & Wm Cox, Secty, each £10,000

On Condition prin. appear next Court.

Saml. Tate Prin. in £10,000

* * * * Sectys, each £ 5,000

Void on Condition prin. appear next Court.

Ordered that Matthew Paramore be apointed Overseer of the road now to be cutt out from the Court House to the branch at the corner of Danl. Harrison's fence.

Chas. Hays to be Overseer of the road to be cut out from Daniel Harrison's to John Howard on Lick Creek.

Ordered that the property taken from Mary Dyckes be restored to her and that the Commissioners order the same to be given up. The property taken from Ann Hughes to be restored unto her and that the Commissioners order same to be given up.

Nathl Evans, prin. in £10,000

Jas Allison & Jas Anderson, each £ 5,000

On condition principal be of a peaceable and good behavior until the next Court.

James Gibson being brought before the Court for throwing out Speeches against the Court, to-wit, saying that the Court was perjured and would not do Justice, and other Glaring Insults—The Court on Considering the matter are of opinion: That the said James Gibson is Guilty of a flagrant breach of the Peace and for the Same and the glareing and dareing insults offered to the Court do order that the said James Gibson be fined the sum of fifteen thousand pounds and that he be kept in custody till the same be paid.

Patrick Murphy, prin in £10,000

Chas Robertson & Jesse Walton £ 5,000

Principal to appear next Court &c.

Jas. Alliott, Jas. Anderson, Nathl Evans & Wm Fain each in £10,000.

To appear and give testimony vs. John Holly &c.

Ord: that Sci. facias issue to summons Elisha Nelson, Drury Woodin & Thos. Brandon to show cause, if any they have, why

judgment shall not be awarded against them to-wit, for two thousand pounds against Elisha Nelson and one thousand pounds each against Drury Woodin and Thos. Brandon.

Ordered that Joseph Buller, Alex. Moore & James Allison be appointed to view and mark a road from the Court House to English's Mill on Horse Creek and make report to our next Court of the Conveniences and Inconveniences.

Ordered that James Allison be appointed overseer of the Road from the Court House to Wattaugo River.

Ordered that Benjm. Cobb be appointed Overseer of the Road from the Wattaugo River unto the County Line.

Court adjourned till Court in Course.

Jesse Walton
Robt. Allison
Danl. Kennedy
John Newman
George Russell
Thos. Houghton
Joseph Willson

May Term 1781

At a Court begun and held at the Court House the 28th day of May 1781 present the Worshipfull, Charles Robertson Jesse Walton Jno McNabb Andrew Greer Danl Kenedy & Valentine Sevier Esqs.

State

vs

Misprision of Treason

David Hickky.

Wm Henry, Hugh Henry, Jas Millican witnesses for State—sworn.

The Court are of opinion that the defdt was guilty of a flagrant Breach of the Peace vs. the State &cc, and do fine sd defdt £2500 and give security for his good behavior for one year & a day.

Ord: that Sci Facias issue vs. Christopher Cuninghame and Robt Orr to show cause at the next Court why a conditional Judgmt. of five thousand pounds each shall not be confirmed against them for not appearing this Court according to their recognizance entered into before Jno McNabb Esq.

Ralph Humphrey esq. came into Court and took the oath appointed by Law for the Qualification of a Justice of the Peace, and took his seat accordingly.

A Bill of Sale from Wm Cox to Thomas Hardeman for the Conveyance and delivery of a certain negro man slave named Jupiter was proven by the oaths of Wm Cox and John Chisolm Esq and the same is Ordered to be recorded Left 40 dollars to pay fee.

State

vs

Misdemeanors

John Boyd.

The Court on considering the matter are of opinion that the dftd, be fined two thousand pounds and imprisoned for the term of six months and giving security in the sum of forty thousand pounds. Witnesses for the State, Sworn Martha Miller, Mary Baker, Francis Baker, Jas. Wyley, Martha Miller Jr, Richd. Minton.

The Last Will & Testament of John Drury Chews was duly proven by the oaths of Sarah Calhoun Martha Parsons, and swear they also see John Calhoun and Lucrecy Calhoun sign the sd Will as Witnesses in the presence of the testator and by his consent, and the same is ordered to be recorded. Also the above will declaring Margaret Calhoun and Edward Mitcheson his extrs and as there appears that the sd Executrix who is left in care of the sd Estate and the children of the testator is in necessity and want of said estate to support and maintain the said children thereon; the Court therefore do order that the sd Margaret Calhoun one of the executors aforesaid do take and Receive all or any part of the said John Drury Chews decd. estate wherever the same may be found.

John Boyd principal in the sum £20000

John Allison & David Stuart Sectys Each £10000

Void on condition the sd John Boyd confine and keep himself on his sd plantation which the sd Boyd now Lives upon with his family for the term and time of six months from this date.

The Last Will & Testament of Nathl Davis esq. was Duly proven by the Oaths of Robt Davis and Mary Davis and the same is ordered to be recorded.

Ordered that Danl. Kenedy, Jas. Willson & Joseph Willson esqs be apointed to appraise the Estate of Robt Lowry decd.

Court adjd. till to-morrow morning 9 o'clock.

Mildred Bond have Leave of administration on the Estate of John Bond her decd. Husband and have entered herself with

Jesse Walton Esq and Capt. Saml. Williams Securities in the sum of forty thousand pounds for her faithfull performance in sd administration.

The Court do apoint Edward Rice, Joseph Reed and John Woods to appraise the Estate of John Bond decd. and make return of same to our next Court.

The State

vs

Warrant.

Joseph Bullard.

The Court order that Joseph Bullard give security for his good and peaceable behavior for twelve months that is to say himself in the sum of ten thousand pounds and two securitys in the sum of five thousand pounds each.

Joseph Bullard prin. in £10000

John Nave & John Reding Sectys Each £ 5000

Void on condition Joseph Bullard be of a peaceable and good Behavior for the term of 12 months &c.

State

vs

Dismist by Joseph Carter prosecutor.

Humphrey Gibson.

The Court apoint Robt. Lusk, Saml. Henry Sr. & Thos Early appraisers of the Estate of Jas. Millican decd.

Joseph England, James Carr and John Burrows acknowledge the Recognizance of last Court to stand in force until next Court.

Ordered that the Sheriff take and receive five shillings per hundred pounds for all the taxble property Due for the years 1780 & 1781 and that the Clerk issue orders accordingly.

The State

vs

Warrant

John Denton.

Court order defdt. to give security for his good behavior for 12 months himself in the sum of £10000 and two securitys in the sum of £5000 each.

Thos. Hardiman came into Court and acknowledged the Consumation of a Bill of Sale unto Cato West for one negro fellow named Jupiter as therein mentioned and the Same is ordered to be Recorded.

John Denton, Prin. in £10000
 Chas. Robertson & Jas. Pearce Sec. £ 5000. each

Void on condition the principal be of a peaceable & Good behavior for the term & time of 12 months.

Ordered that Saml. Tate be fined the sum of ten thousand pounds for a contempt to the Court and that the Clerk issue Fi. Facious vs. his estate for the same.

Jas. Ray prin £20000
 Saml. Williams & Jas Carr Secty 10000 each

On condition principal appear next Court.

Joseph Kana prinl. in the sum of £40000

Jos. Bullard & Abram Wood Secty each £20000

Condition prin. appear next Court &c.

Ralph Humphreys, Robt. McAfee and Saml. Culberson assessors made there return of the Taxble property within their District and the same is Recd. by the Court.

Ordered that Richd. Minton serve as Constable in the room of John B. McMahon.

The State

vs Warrant for stealing a gun the property of Thomas Brown

Jesse Green.

Mary Dunham, Thos. Brown Jesse Gentry Witness for the State—Sworn

Nath Evans Witness for plttf. Sworn.

It is the opinion of the Court that the defdt is not guilty and that Thos. Brown prosecutor pay the Cost.

Humphrey Gibson prin. the sum of £20000.

Jos. Bullard & Thos. Brown Sectys each the sum of £10000.

Void on condition the principal appear next Court and not depart without leave.

Ord that a deds potestatem issue in behalf of John Nave to take the Depo. of George Dayly in a Certain controversy on Caveat wherein James Greenlee is plttf and sd John Nave is defdt.

The State

vs Stealing a Bell

Pat. Murphy.

Ordered that dfdt. appear next Court.

Patrick Murphy principal, prin in sum of £10000.

Chas Robertson & Jos. Bullard Sectys Each £ 5000.

On Condition principal appear next Court.

Chas. West was duly qualified a Deputy Surveyor of this County under James Stuart Esq.

Ordered that Jesse Greer be fined the sum of one thousand pounds for a contempt offered to the Court &c in refusing to deliver unto the Widow Dyckes her property as Directed by the order of the Court.

Ordered that a grist mill now already built by Bartholemew Woods be considered as a public grist mill and that the sd Woods be entitled to take such toll and have the rights and immunities as other public grist mills within this District have.

Claverius Barksdale is appointed Sheriff for the year 1781.

Claverius Barksdale being appointed Sheriff enters into Bond for his faithful discharge of sd office in the sum of one hundred thousand pounds and Chas. Roberson & Edmond Williams in the sum of fifty thousand pounds each to be void on Condition that the sd Barksdale faithfully execute the office of a Sheriff for the year one thousand seven hundred and eighty one.

Ordered that George Bundy & Reuben Bundy orphans of Simeon Bundy decd be bound unto William Wells the sd Wm Wells entering into the rules and forms and laws made and provided in that case.

Bradley Gambell made oath that he served Two days as Constable in notifying the Inhabitants of Wm Been's District and is allowed for the same.

Elisha Nelson prin £10000

Bradley Gamble & Robt. Campbell sec. each £ 5000

Condition prin. appear next Court &c.

John Holly principal £40000

Jos. Bullard & Thos. Brown Sectys Each £20000

Condition principal appear next Court.

Ord. that the Tavern keepers in this County sell at the following prices to-wit. viz. A Diner 20 dollars, Brakefast or Super 15 Dollars, Corn or Oats pr. gallon 12 dollars pasture 6 dollars Stabledge 12 dollars with hay or fodder Lodging 6 dollars. W. I. Rum 120 dollars pr. qt. Peach Brandy 80 dollars pr. qt. Whisky pr. qt. 48 dollars Norward or Taffea Rum 100 dollars pr. qt.

Court adjourned till to-morrow morning 8 oclock.

Wednesday the 30th day Met according to adjournment.

James Eadens

vs

Attachment.

Henry Grimes.

The Sheriff returns that he have summoned John Higgons as Garnishee, after the sd Garnishee being solemnly called and he failing to appear it is ordered by the Court that a scire facias issue against the sd Garnishee to appear next Court to show cause if any he have why a conditional judgment shall not be confirmed against him for the sd James Eaden's debt being the sum of eight hundred pounds.

Richard Mitchell an orphan the son of Joab Mitchell decd. came into Court and made choice of Charles Robertson esq. as his guardian and the Court have accordingly appointed him his guardian.

Thos. Brandon made affirmation that he served ten days notifying the people to give in there lists of taxable property to Joseph Willson esq and is allowed for the same.

John Callihan is appointed surveyor of that part of the road, wherein Jas. Allison was Overseer of before, from Saml. Fain's house unto John Been's foard. That the Hands still continue to work under Jas. Allison, to include Robt. Allison and so down to Geo. Russells including all the waters of Sinking Creek and across the sd Road, from thence four miles from the same and all the inhabitants within the upper and lower end of the sd line extending the four miles out.

Saml. Hill have Deposited into the Hands of the Court five hundred pounds in order to Discharge the Debt out of the same, and costs of two suits Brought vs. him by Thos. Gillaspy for debts due on two Bonds which he the said Gillaspy have brought suits on.

Ordered that Christ. Taylor and John Sevier be appointed to view and mark off a public road from the Court House to John Sevier's mill.

Ord. that a public Road be laid off from the Court House to the Head of Indian Creek, and that Capt. Vol. Sevier, Thos. Houghton esq Robt Young Jr and Jno. B. McMahon be commissioners to lay off the same as soon as possible, and that Andw. Greer esq Joseph Tipton and Capt. Saml. Williams is to be overseers to have the same cutt out and kept in repair and that

Capt. Sevier's compy and Capt. McNabbs compy as high up as McNabb's mill, and Capt. Saml Williams compy except what are on Little Limestone to be liable to work thereon.

Ordered by the Court that Cleavers Barksdale esq be apointed to collect the public and county Levey due for the year 1780 and have accordingly entered himself with Ralph Humphrey, Andw. Greer, Saml. Williams and Ephraim . . . his securitys for the just and full sum of Two Hundred thousand pounds for his faithfull performance of the same.

Ordered that Isaiah Hamilton be surveyor of the Road from the Court House to John Sevier's mill and that the hands on the So. Side big Limestone as far up as Robt. Allison's and as low down the same as Charles Allison Esq and from thence straight across including all the Inhabitants on the North Side of Cherokee Creek up as far as George Carrs and that the same be cut out immediately.

Ord. that James Allison have leave to keep a tavern at the Court House for one year and have entered John Sevier and Volentine Sevier his securities for his performance of the same.

Ordered that Isaiah Hamilton have leave to keep a tavern at his house for one year and have entered Volentine Sevier and James Allison his securities for his performance of the same.

Ordered by the Court that Volentine Sevier for his ex officio services as Sheriff for the last year 1780 be allowed the sum of four thousand pounds.

Ord. that Richd Minton have leave to keep a tavern at the Court House for one year and have entered Jacob Brown and Saml. Williams his securities for his performance of the same.

Ord. that Joseph Reed, Wm Meek, Isaac Taylor son of Andrew . . . Willson (Richd White to add the Christian name) and William Miller Jr. do serve as Constables.

Justices and assessors apointed for the year 1781.

1st Dist. Richd White Esq, Jas Roddy, Jesse Hoskins, Bowman.

2 " Thos. Houghton esq, Wm Cocke, Jas. Henry & And.

Taylor.

3 Wm Cobb Esq, Thos. Hardiman, Tho. Jonachin, Wm Cox.

4 Wm Clarke esq, Jno. Woods, Michl. Woods, Jacob Brown.

5 Jos. Willson Esq, Anthony Moore, Robt. Wier, Abraham Hoskins, all.

And that for the 1st Dist Andw Willson 2nd Isaac Taylor son

of Andrew, 3rd Wm Frame 4th Wm Meek & Joseph Reed 5th Wm Moore and Abraham Hill be appointed Constables to notify the people.

Ord. that Anderson Smith be appointed to serve as Constable Court adjourned till Court in course.

Charles Roberson
Andw Greer
Ralph Humphreys
Zach. Isbell
Jess. Walton
Tho. Houghton

August Term 1781

At a Court begun and Held at the Court House on the 27th day of August 1781 Present the Worshipfull Chas. Robertson Cha; Thos. Houghton, Danl. Kenedy, Chas. Allison, Wm. McNabb, Benjm Gest, Jos. Willson, Richd White & John Newman Esqs.

G. Jurymen present

Edmd. Williams
And. Taylor
Martha Berymore
Jas. Roddy
Corns. Bowman
Wm Murphy
Joshua Houghton
Jacob Brown
Michl. Woods
Saml. Williams
Adam Willson
Thos Hardiman
Chris. Taylor
Alexr Galbreath
John Alexander
Saml. Wier &
Moses Moore.

Sworn—Order to apear in the morning.

Petit Jurymen present

Robt Erwin
David McNabb
Isaac Taylor

David Lyle
Alexdr Anderson
Jonathan Tipton
Robt. Been
Charles Young
Jesse Bounds
James Campble
Josiah Martin
Wm Bryant.

Ord. to appear in the morning 9 oclock.

Charles Robertson have leave of administration on the Estate of Christopher Cuninghame decd, and have taken The Oath prescribed by Law to Qualify him for the same.

Charles Robertson have entered himself with William McNabb & Andrew Taylor his securities in the just and full sum of Two Hundred Thousand pounds for his faithfull administration on the Estate of Christopher Cuninghame decd, as by law required.

A Bill of Sale from Thos. Hardiman to Cato West for one negro Boy slave named Jupiter as in the Bill of Sale mentioned was duly acknowledged by the said Thos Hardiman and the same is ordered to be recorded.

A Bill of Sale from Michael Massengill to Cato West for a negro Boy named John about eight years of age as in the Bill of Sale mentioned was duly acknowledged by the said Michael Massengill and the same is ordered to be Recorded.

Court adjourned till to-morrow morning 9 oclock.

Tuesday the 28th day Met according to adjournment. Thomas Talbert is appointed Commissioner to Collect the specific Tax for the years 1780--1781.

Thomas Talbot have entered himself with Colo. Ralph Humphreys and Cleavers Barksdill in the sum of five hundred thousand pounds or in the Sum last provided by act of Assembly for his faithfull performance as Commissioner to collect the specific Tax.

The Court order that the Clerk certify to the Genl. Assembly yt. Danl. Dunn is an infirm man and an object of Charity and that they recommend that he may be discharged from paying public county Tax.

Ord. that the Sheriff forbear collecting a fine of ten thousand pounds inflicted upon Saml. Tate at the last Court.

Thomas Talbot have taken the oaths appointed for public officers, also the oath appointed for Sheriffs to take and is admitted to act as a deputy sheriff under C. Barksdill Esq.

Wm Deal

vs On suspicion of Stealing of Creatures from plttf.

Jeptha Higson:

It is the opinion of the Court the defdt. be Discharged £220 8 pd. £119 yet due from Deal.

Wm Deal

vs

Same

Bartlet Marshal.

Discharged by the Court—fees pd.

Mrs. Francis Lyle, Jas Stuart & Jas Houston have leave of administration on the Estate of John Lyle decd and have entered Danl. Kenedy Chas Allison & Jno. McNabb their Securities in the sum of two hundred thousand pounds for their faithfull administration.

A power of attorney from Joseph Martin to James English Impowering him to make a deed of conveyance of a certain Tract of Land lying on Sinking Creek containing three hundred acres was proven by the oath of Mr Saml Kenedy and the same is ordered to be Recorded.

My fee paid.

Geo. Russell Esq David Robertson, Wm Allison and Wm Young is appointed to view and mark a road from Bartholm Woods mill to John Been's and make return to the next Court of same.

Charles Robertson have leave of administration on the estate of Edward Hampton decd and have entered Jno. Newman and George Russell esqs. his Securities in the sum of one hundred thousand pounds for his faithfull administration on the same.

Wm Cobb Esq to pay the cost

Fees paid.

The State

vs

For being accessory to the death of Jas. Millican

John Hoskings.

Court ord. dfdt. to give security to appear at the next Court.

John Hoskings principal in sum of £10000

Cleaves Barksdill Secty in sum of £ 5000

Void on condition principal appear next Court.

Ruth Hoskins Recog. to this Court.

Void &c

Landon Carter esq. have leave of administration on the estate of Col. John Carter decd and for that purpose have entered Volentine Sevier, Thos. Houghton and Chas. Robertson Esqs his Securitys in the sum of five hundred thousand pounds for his faithful administration &c.

The State

vs

Misdemeanor

James Wray.

The Court ord. defdt to be discharged.

Ord. that the Clerk certify to the County Court of Frederick in Common Wealth of Virginia that Wm Reeves is a man of a peaceable and honest behavior &c and that his wife Mary Reeves who is the daughter of Peter Wolf decd who formerly lived in the County of Frederick in Common Wealth of Virginia is now living.

It is recommended by the Court that Mr David McNabb and others who have the negroes or any of them belonging to Mrs Maberry in there possession to Immediately give them up to her, she proving her property.

Court adjourned till to-morrow morning 9 oc.

Wednesday 29th day Met accordg. to adjournment.

Memo. to summon Robt. Paris Robt. Hood Wm Storey in behalf of Durham against Green Bashin and Mitchell.

The State

vs

Indictmt. for Beating and Abusing Saml. Crawford Zachariah Isbell.

The defdt pleads not guilty.

The State

vs

Indctmt. for stealing a bell

Patrick Murphy.

Defdt pleads not guilty.

Zach. Isbell prin. in sum of

£10000

And. Greer & Jacob Brown Sectys

£ 5000

On condition prin. appear next Court.

The State

vs

On Indct. for stealing a bell

Patrick Murphy.

A Jury to-wit John Newman, David Lyle, Jacob Brown, Alexander Anderson, Robt. Been, Jas. Allison, Thos. Mitchell, Jesse Green, Robt. Gentry & Jas. Stinson passed on the Tryal.

The Jury find defdt. not guilty.

The Court have relinquished Charles Robertson esq. from his administration on the Estate of Edward Hampton decd.

William Cobb Esq have leave of administration on the estate of Edward Hampton decd and have entered Charles Robertson and Andrew Greer his securities in the sum of one hundred thousand pounds for his faithful administration on the sd Edward Hamptons decd. estate.

Court adjourned till to-morrow morning 8 oclock.

Thursday 30th day Met accordg to adjoumt.

Chas. Robertson esq. acknowledged the conveyance of two hundred and eighty acres of land unto John Odull and the same is ordered to be registered.

James Stuart

vs

Inquiry

James Crawford.

A Jury to-wit Mattw Parrymore, Robt. Gentry, Thomas Mitchell, Benjm Inman, Jesse Green, Alexander Anderson, Chas. Gentry, John Nowland, Adam Porter, Joshua Greer, James Gibson passed on the said Tryal.

We of the Jury do find for the Defdt.

M. Perrymore Foreman.

S. McCay attorney for the plttf prays the Court for leave to offer reasons for an arrest of judgment.

Court adjourned till to-morrow morning 8 oclock.

Friday the 31st day, Met accordg. to adjournmt.

Ordered by the Court that the Sheriff imploy some workman to repair the house the Court is held in, also to prepare a table for the Clerk, a kind of Bar for the attorneys and some benches for the Jury to sit on and have the same done and repaired by our next Court.

Ordered that Thomas Hall give security for his Good and peaceable behavior for the term of one year and a day in the

sum of ten thousand pounds himself and two securities in the sum of five thousand pounds each.

Thos. Hall prin. in the sum of £10000

Nicholas Mercer & Forester Mercer £ 5000

On condition principal be of a Good and peaceable behavior for one year and a day (especially toward Luke Bowyer Esq).

My fee paid.

Elisha Nelson—on recognizance at last Court—, The Court orders the plantff to be discharged. My fees paid.

The Court adjourned till Court in course.

Charles Roberson

Andw Greer

William McNabb

John McNabb.

February 1782.

At a Court begun and held at the Court House the 25th day of February Anno Domini 1782

Present the worshipful Thomas Houghton, Charles Robertson, William McNabb, Jesse Walton, and William Cobb Esqs.

Ordered that an orphan child named Betsey Williams the daughter of Mary Williams now Mary Newberry be bound unto Edward Higgons until said orphan arrive to the age of Eighteen.

Bound and pd. the fees.

Court adjourned till to-morrow 9 oc.

Tuesday 26th Court met according to adjournment.

Wm Cocke Esq attorney produced a license from the Honble the Judges of the Superior Court of Law of this State to plead and practise Law within the several Courts of the same and has taken the usual oaths and is accordingly permitted to plead and practise as an attorney in this Court.

A conveyance of 160 acres of Land from John Holmes to Robert Carver was proven by the oaths of John Woods and same is ordered recorded.

Pursuant to a Return and Directions from James Glasgow esq. Secretary of State We the Justices do hereby order and direct the Clerke to issue his orders for the Tryal of the undermentioned disputed claims of Lands the titles of which have been suspended by the Honble Alexander Martin esqr. Governor for the time being between the following parties to-wit

and to the United States and the world in the
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 was the year of the American Revolution.

John Robertson

1 vs

Peter McNamee.

For 300 acres of Land on the waters of Big Limestone.

John Long

2 vs

William Cobb

Pharaoh Cobb

Benjamin Cobb

For a certain Tract of Land on the waters of Knob Creek in the Wattaugo Settlement.

John English

3 vs

William Walker

For 200 acres of Land on the Faulling Branch of horse Creek and on both sides Christy's Warr Pathe.

Thos. Hardiman

4 vs

Wm Been Sr

For part of a tract of land on Sinking Creek including Timothy Peningtons improvement.

Andrew English

5 vs

George Martin

For 300 acres of Land on Lick Creek.

Joseph Young

6 vs

William Gray

For 640 acres of Land on Brush Creek joining Jonas Little's Line & Wm Gray's Claim.

George Vincent

7 vs

John Chinn

John Hill

For 150 acres Land on waters of Boon's Creek Entry & Warrant No 759.

Thos. Brandon

8 vs

William Magbee

For 400 acres on Lick Creek.

Thos. Hardiman

9 vs

Jacob Lyte

For part of tract of Land on Sinking Creek purchased of Timothy Penington.

Thomas Hughes

10 vs

William Thomas

For part of a tract of Land in the forks of Wattaugo & Holston the West side of Lick Creek.

William Parker

11 vs

John Carter

For tract of Land called the Wataugo Old Fields.

John English

12 vs

William Magbee

For 200 acres of Land on faulling branch of Horse Creek and on both sides Christy's War path.

John Blair McMahon

13 vs

Aron Lewis :

For part of tract of land lying on the head & including the spring of S. E. fork of Boon's Creek.

Robt. Young

14 vs

Benj. Cobb

For tract of Land on Knobb Creek.

John McMahon

15 vs

Benjamin Cobb

For an entry made by Mr Cobb in the case of Benj A Cobb joining a survey made by Cobb on a branch of Nob Creek including the Blue Spring.

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George Russell

16 vs

Richard Caswell Esq

For part of a Tract of land on the East Fork of big Limestone.

John Gillaland

17 vs

John Shirley

For a tract of land on Cherokee Creek improved by J. Gillaland 1773.

George Barclay

18 vs

John Fair

For 200 acres of land on the Waters of little Limestone joining land of Col Campbell and James Stephenson running upward to land of Sam'l Fain and James Miller.

John Talley in behalf of the orphans of Martha Haire decd

19 vs

Robert Lucas

For 300 acres of land on the South side of Holstem River, at Jones Falls.

John Nowlin

20 vs

Abner Greene

For 250 acres of land in the fork of Wattaugo and Holstem.

We do therefore direct that the same be admitted to tryal by Court according to law etc.

The Court have appointed Cap. Sam'l Williams Guardian to the orphans of John Based deceased.

On motion of Wm Cocke Esq that three negroes now in possession of the sheriff who by the information of Col Williamson belongs to a certain Isaac Perry of the State of Georgia and that on the aforesaid Williamson proving said negroes to be said perrys, that they be given up to Col Williamson who is to return them to their proper owner.

The Court considering the same therefore direct the sheriff to deliver to said Col Williamson the aforesaid negroes on his paying cost.

The State

vs

Wm Maybee

Recoge for stealing a horse the property of Jas Dunham.

Joseph Dunbar

Robert Been

Witnesses for the State (sworn).

The Court on considering the matter Dismiss the Defendant with them paying the costs.

An inventory of the estate of John Carter deceased is returned by Susan Carter adm, and same is ordered to be Filed.

A Bill of sale from John Butler to Joseph Bullard for a certain small mare as in the same mentioned was proven by the oath of Luke Bowyer esquire and the same is ordered to be recorded.

The Court have appointed Thomas Houghton Wm McNabb esquires to settle with the sheriff and make return to our next Court.

Ordered that a deds potestatem, issue to take the Depo. of Ezekiel Smith, John'n Drake, Richard fields, Benjm. Drake, Henry Hickkey on behalf of Wm Parker on a Caveat vs. John Carter on a Tract of Land called the Wattaugo old fields.

Ord. that a deds potestatem issue to take the Deposition of Robt. Cooper, Saml. Willson and Emanl Carter in behalf of Landon Carter admr of the estate of John Carter Decd. in a disputed claim of land with Wm Parker called the Indian old fields.

An indenture from George King and Margaret King Binding an Orphan child named Robt. Maccashlin to James Allison is ordered to be recorded.

A Deposition of McCajah Williamson proving a certain negro wench now in possession of Mark Mitchell, was made a Lawful prize &c by the Legislature of Georgia was proven by Jesse Walton Esq and is ordered to be recorded.

John Woods, Michl Woods & Jacob Brown assessors for the year 1781 made their return and the same is ordered recorded.

An Inventory of the Estate of John Lyles decd is returned by the admr. and the same is ordered to be filed.

Joseph McPeters principal in the sum of £50 specia.

Asael Rawlings Wm Snoddy Securities each in the sum of £25 specia.

Void on Condition the principal surrender himself to the com-

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manding officer of Burke County and not depart without leave but to be disposed of as the Law directs.

Asael Rawlings to pay fees.

James Boilestone being brought before the Court for being inimical to the United States &c.

The Court on considering the matter and hearing the different allegations against him order that said Boilestone Be confined in gaol until next Court and that the sheriff take a sufficient care of the prisoner.

Jordan Roach and James Ragin in the sum of one hundred thousand pounds each, on Condition they appear the next Superior Court at Salisbury to give testimony vs James Boilestone &c.

Court adjd. till to-morrow morning 8-o'clock.

Wednesday, Met according to adjournmt.

The Court have ordered the Sheriff to take John Odull into his charge and him safely Keep untill he give sufficient security to the Court for his appearance at the next Court.

Thos. Hardiman, Wm Cox and Thos. Jonachin have made there return of the assessment within there District for the year 1781 and is recd. by the Court.

The Court have permitted John Sevier to render unto the assessors of the District wherein he lives the Inventory of his Taxable property for the years 1780 & 1781.

The State

vs

Misdemeanor

John Chambers.

Witnesses for the State Elez. Bennett, Rebecca Wyal, John Reeves, Thos. Brumit, Wm Meeks.

The Court on considering the facts alledged vs the defendt. order that he be bound in Recognizance to appear at next Court.

John Chambers principal in £100 specia.

George Barclay Sandafer Goziah Securities each £50 specia.

On Condition principal appear at the next &c.

A deed of Gift from Capt. Jacob Brown to Ann Henderson for certain premises and other property as therein mentioned was proven by the oath of Zachariah Isbell Esq and the same is ordered to be Recorded.

Thomas Gillaspay

vs

Debt—Dismissed by plaintiff

Saml. Hill.

Thos. Robertson Prin. in sum of £100 specia.

John Gilliland Saml. Williams Securities in sum of £50 specia, each.

On Condition principal appear next Court. Memo. Thos. Talbot to pay my fees for . . .

The State

vs

Misdemeanor

John Holly.

Defdt. to appear next Court.

Jas. Alliott, Jas Anderson, Wm Fain Nathl Evans Witnesses for the State—Sworn.

A power of attorney from Benjamin Johnstone to Colo. Charles Robertson Investigating him with certain powers &c was proven by the oath of John Burrowes and same is ordered Recorded.

John Sevier and Charles Robertson esq have leave of administration on the estate of Robt. Sevier decd.

John Holly Prin. in sum of £100 specia.

Joseph Bullard Security in sum of £50 specia.

On condition prin. appear next Court.

John Sevier and Charles Robertson have entered Maj. John McNabb and Wm Cobb esq. there securities in the sum of eight hundred pounds specia for there performance of the administration on the Estate of Robt. Sevier according to Law.

The Court have appointed Colo. Charles Robertson Guardian to the Orphans of Robt. Sevier decd.

John Odull prin. in sum of £100 specia.

Jonathan Tipton, Joseph Bullard, Jas. Denton, and Jas. Ray Securities in the sum of £25 specia each.

On condition principal appear next Court.

On motion of Wm Cocke esq that a negro wench and two children in the custody of Mrs Hannah Clarke that was brought from the State of Georgia formerly the property of Henry Williams now confiscated be taken by the Sheriff and Kept in his custody until regularly called for according to Law.

[TO BE CONTINUED.]

EDITORIAL NOTES.

SOME DISPUTED POINTS OF TENNESSEE HISTORY.

The statement that "the bullets of the Indians were welded to the bayonets of the Tennessee soldiers in the battle of Tohopeka" has been pronounced "fiction," etc.

Those who reject this statement as fictitious have not investigated the subject. The witness is Andrew Jackson, and he has never been classed as a writer of fiction.

March 31, 1814, the fourth day after the battle of Tohopeka, or Tehopiska, as Gen. Jackson called it, he wrote a report of the battle to Gov. Willie Blount. Many years after the death of Gov. Blount, this report was found by Gen. W. A. Quarles, in a house in Clarksville, Tenn., which had been used by Gov. Blount as an office. It was presented by Mr. R. T. Quarles to the Tennessee Historical Society, March 18, 1884. The report is in the well-known handwriting of Andrew Jackson, and contains a complete account of the battle, together with a map of the battle-field, drawn by Jackson's own hand. The manuscript may be found in the archives of the Tennessee Historical Society, Box J 1, No. 17½. It was published in full in this Magazine, Vol. 4, No. 4, pages 291-296.

In this report, Gen. Jackson makes the following statement:

"Having maintained for a few minutes a very obstinate contest, muzzle to muzzle, through the port-holes, in which many of the enemy's balls were welded to the bayonets of our muskets, our troops succeeded in gaining the opposite side of the works."

If Andrew Jackson's testimony needs any confirmation, the following statement of Gen. Coffee goes far to explain and confirm it.

April 1, 1814, the day following the date of Gen. Jackson's report, Gen. Coffee wrote to Capt. Donelson:

"They [the Indians] stood the charge to admiration, and it was not unusual for the muzzles of the guns of both parties to meet in the port-holes, and both fire at the same time." (Parton, Vol. I., 522.)

The incident is certainly remarkable, but it is far from being incredible, and is attested by eye witnesses whose evidence cannot be impeached.

THE BATTLE OF BOYD'S CREEK.

Different accounts are given of the battle of Boyd's Creek. Of these, the account given by Ramsey is, perhaps, the most reliable. Dr. Ramsey had many sources of information which were not accessible to any other writer. He was intimately acquainted with many of those who were actors in the scenes which he described, and who contributed to him not only their own recollections, but also many valuable papers. Much of his information was derived from his father, who was John Sevier's private secretary.

Unfortunately, Dr. Ramsey, in many instances, did not cite the authority for his statements, and his great accumulation of papers and historical material was destroyed by the burning of his residence.

His well-known accuracy and veracity were sufficient evidence to those who knew him, that any positive statement from his pen was not made at random, but was based on evidence which he considered sufficient. Yet, it would have been better had he always cited his source of information. Since his death and the destruction of his papers, it is difficult to find the evidence on which he based some of his statements.

His account of the battle of Boyd's Creek has been called in question by Roosevelt and others. None of those who decline to accept his version can offer any evidence against it, but can only render the Scotch verdict, "Not proven."

Mr. Roosevelt insists that the only reliable account is the statement found in the report of Col. Arthur Campbell. He says, in a note, Vol. 2, p. 300:

"The contemporary [Campbell's] official report is explicit. There were three hundred whites and seventy Indians. Of the latter, thirteen were slain. Campbell's whole report shows a jealousy of Sevier, whom he probably knew well enough was a man of superior ability to himself; but such jealousy appears only in the coloring. He does not change any material fact, and

there is no reason for questioning the substantial truth of his statements. Forty years later, Haywood writes of the affair, trying to tell simply the truth, but obliged to rely mainly on oral tradition. He speaks of Sevier's troops as only two hundred in number, and says twenty-eight Indians were killed. . . . Thirty years later comes Ramsey. He relies on traditions that have grown more circumstantial and less accurate."

In another note, page 303, Mr. Roosevelt says: "All the Tennessee historians, down to Phelan, are hopelessly in the dark over this campaign. . . . Unless there is some documentary evidence in favor of the assertions of Haywood and Ramsey, they cannot for a moment be taken against the explicit declarations of the official report."

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AMERICAN HISTORICAL
MAGAZINE

REPRESENTING THE CHAIR OF AMERICAN HISTORY
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VOLUME VI., 1901.



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APRIL, 1901.

No. 2.

FREEDOM'S NAMESAKE; *

OR

THE ORIGIN AND HISTORIC IMPORT OF THE NAME CUMBERLAND.

BY JOHN M. GAUT.

[A paper read before the Tennessee Historical Society.]

The mountains which, in their chief extent, bear the name "Cumberland" possess features peculiarly their own. They cannot boast the sky-piercing peaks of the Alps or the Rockies, but their massiveness and the broad and level expanse of their summit render them remarkable. At few points, if any, are they less than ten miles wide at the top. It is said that one can travel on their summit from Alabama to Kentucky without encountering anything more than low hills and slight depressions, and without being conscious that he is upon an elevation. Their eastern face presents, for perhaps a hundred miles, tall cliffs of sandstone, more majestic and beautiful than the Palisades of the Hudson. The entire range of which they are part extends from the State of New York through Pennsylvania, Eastern Kentucky, Western Virginia, and Tennessee, and fades into the minerals hills of Alabama until it is finally lost in the cotton fields of the South. Important in itself for its grandeur and the richness of its minerals, this massive natural belt binds together States which for their intelligence, culture, their com-

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merce and agriculture, and their civil and political influence constitute the most important part of our now important country.

The gap in these mountains known as Cumberland Gap commands the attention of all admirers of nature. It is also historic. Through it the wild animals of the primeval forest found their passage to greener pastures, and the wild Indian a road to new hunting grounds. Through it the emigrant traveled in the westward march of population. It has reverberated with the tramp of armies and the roar of artillery. Beneath its hills the sounding locomotive now draws the cars of travel and commerce.

The Cumberland river rises in Kentucky, describes a crescent nearly six hundred miles long through that State and northern and central Tennessee, emptying itself into the Ohio. Few rivers of its size are navigable to the same extent. The picturesqueness of the scenery along its banks, now little known and hence but slightly appreciated, will in time be compared favorably with that along the Hudson and the Rhine. It, too, is rich in historic association. It was on its bosom that Casper Mansker, with his party of ten daring traders in 1770 carried their stock of furs, bear meat, and jerked venison to the Spanish market at Natchez. This bold commercial adventure, made when there was nothing to designate the spot where Nashville now stands except the well-tramped herding place of the buffalo around the sulphur spring, marked out a commercial highway whose tonnage in the past exceeds all estimate, and whose tonnage in the future, thanks to the national government, will exceed all conception. On its bosom in 1779-80 was made ~~that~~ memorable voyage which for courage, patient endurance and trust in a conscious destiny is unsurpassed in the history of the world. James Robertson, already a successful explorer, determined upon a settlement in the wilds of what is now Middle Tennessee. Taking with him a party of men he came overland through Cumberland Gap and made preparation for the settlement where Nashville now stands. The women and children were put upon rude flatboats and transported down the Holston and Tennessee and up the Ohio and Cumberland, a distance of more than one thousand miles, in a winter of unusual severity, in the rudest of crafts, propelled only by hand, and upon unexplored water courses whose banks were infested with

hostile savages. Thirty lives, when lives were precious, were yielded up to the perils of navigation, hunger, exposure, and savage treachery. It was with the spirit of almost inspired prophecy that Robertson declared: "We are the advance guard of civilization, and our way is across the continent." Well may Gilmore have said the voyage "has no parallel in modern history."

Beside the river, near where the new bridge now stands, Robertson had, in the preceding spring, planted a patch of corn, and thus humbly inaugurated the agriculture of the now famous blue grass region of Tennessee and Kentucky. The horses and the cows which he turned loose on the cane brake were the precursors of the blooded cattle and the blooded horses with which we now challenge the world. The cabins then erected where is now Front street, just south of Bridge avenue, dedicated the ground for the city of Nashville. Shall we, then, who dwell on the banks of this historic stream and in the shadow of these majestic mountains, be indifferent to the name which they bear? This name has been transmitted to counties and towns, to industrial corporations, civic societies, social clubs, to three thousand Christian churches scattered through thirty States, and to honored institutions of learning. Indifference to the name would be disloyalty to the past.

Were we to ask whence came this name, the prompt response would be, it was given in honor of the Duke of Cumberland. The Duke of Cumberland, however, is famous only as the victorious commander of the English army in the battle of Culloden. This battle, unimportant from a military standpoint, is noted solely for being the culminating event in the long struggle for the civil and religious liberty of Europe. The name Cumberland, therefore, is the symbol of that conflict, beginning with the Reformation and ending with the supremacy of the house of Hanover, out of which was evolved the freedom which we enjoy. To appreciate the historic import of the name, we must rehearse in our recollection the events for which it stands.

For two centuries from the crucifixion Rome tried to crush Christianity with cruelty. But in the course of time a Roman emperor became one of its converts, and the church got its first fatal taste of kinship with the State. The wealth and protecting power of kings was a temptation which she could not resist. On

the other hand, ministers of state had learned that the new religion possessed a meek and dauntless courage which could not be suppressed. The power, therefore, which had driven Christianity to the catacombs now sought an alliance with it. This unholy wedlock between the two willing parties was easily consummated. The offspring of evils was all the most apprehensive could anticipate. Christianity was made the religion of the empire. It at once became the fashion of a luxurious and decaying society. The emoluments of the clerical offices was the inducement to rapidly increase their number and more rapidly increased the hungry horde that sought to fill them. There were bishops and archbishops, deacons, subdeacons and archdeacons, stewards and lectors, singers, doorkeepers, acolytes and exorcists, all of whom were loosely reckoned among the clergy. Priests and bishops were no longer the humble followers of the Man of Galilee. The simple gospel was superseded by the discussion of intricate doctrines, and simple worship by an elaborate ritualism in fine churches, adorned with fine pictures and conducted by priests in gorgeous vestments. Piety was a passport to office and a premium was placed upon hypocrisy. Bishops claimed to be the successors of the apostles, and those of leading cities gradually acquired an influence, ripened into authority, over contiguous churches of less importance. Rome being the capital of the world, it seemed appropriate that she should be the capital of the church. Her name suggested the glories of the old republic and the Augustan empire. She had been first to feel the cruel hand of persecution, and her officers had frequently perished as martyrs. Her membership was large, and included many persons of rank. A theory was easily found for the support of her pretensions. It was claimed that St. Peter founded that church, and was its first bishop, and that St. Peter was the primate of the apostles. In the basis for this theory fiction supplied all deficiency in facts, and the bishop of Rome was easily transformed into a pope, supreme in authority, infallible in doctrine and invested with the keys of the kingdom. The sacerdotal idea was rapidly and fully developed. The visible church was represented as being the kingdom of God on earth and membership in it as being necessary to salvation. The priesthood had literally the power to loose and to bind. Through them alone the Holy Spirit communicated with the

world, and they were the connecting link between the church and its divine head. They were the authoritative interpreters of the Word, and they alone were capable of understanding it, and hence they alone must be permitted to read it. It was their exclusive province to confirm and consecrate with the holy oil, to bless the dying and bury the dead. The clerical act was claimed to be operative without reference to the individual upon whom the act was performed. In most cases the priests and bishops were the sole administrators of estates. Money was demanded for almost every ecclesiastical service. The clergy alone could accept penance for transgressions, and penance was frequently commuted by the payment of money. Forgiveness of the past was easily developed into indulgence for the future. Persuaded by the money of anxious friends, the priests said masses for the dead, which immediately translated them from the pains of purgatory. At communion the bread and wine were, at a tinkling of a bell, instantly transformed into the literal body and blood of Jesus. The ordeal, that survival of heathenism, was taken up and embellished with new solemnities, and rights of life and property were determined by the ability of the defendant to successfully tread among red-hot plowshares or to thrust unharmed his arm into a caldron of boiling water. Confessional, absolution, prayers to the Virgin Mary, worship of images and saints, monasticism, celibacy and its attendant evils were but other manifestations of a distorted conception of religious worship. The tendency was to think that ordination conferred on the clergy in some magical way all needed ability, and education was neglected and even discredited. Some of the clergy could not understand the homilies which they were appointed to read in the churches or explain the Lord's prayer or the creed. A lazy, ignorant and immoral priesthood became, with many honorable exceptions, the crowning curse of the church.

The effect upon the people is easy to imagine. The pure light of the Christian life was dimmed by a formal piety or made ghostly by asceticism. Multitudes of heathens passed from their old religion to the new with no change save a change in name. Christian living seemed nothing deeper than a round of ceremonies and perfunctory duties. Habitual immorality was easily atoned for by almsgiving and partaking of the com-

munion. Escapes from perdition could be easily effected by baptism, and awakened consciences were soothed by endowing churches and making pilgrimages to celebrated shrines. In imitation of the Roman empire the church had been marked off into provinces, each with its bishop and each province divided into dioceses and parishes with bishops and priests in supreme authority. The church was no longer content with being the ally of the State. The emperor Charlemagne had given vast territories to the pope, and he had become a temporal ruler as well as the head of the church. Monasteries with their large armies of monks, held vast regions in the name of their papal master. The legal title to one-third of the land in Europe was vested in the papacy. Nearly one-half of the public revenues from the various nations went into the papal treasury of Rome. Papal agents were ambassadors, privy counselors and prime ministers at European courts. The pope was not merely the equal of kings, but their master. He excommunicated Henry VIII., and by decree undertook to dethrone Elizabeth and by intrigue to crown Mary Stuart. The papal empire was thus claiming, and to a large extent exercising, the right to control politics, religion and social life, and to dominate the lives of men from the cradle to the grave.

But the wrongs were not confined to the church. The cities were oppressed by the tyranny of the imperial government of Germany and the lawless depredations of nobles. The taxes were burdensome. The peasants were goaded to despair by the hardships of their condition.

But the world was not all bad. There was enough of intelligence and righteousness to breed a wholesome discontent. Submissive, as men usually are, to wrongs perpetrated in the name of religion, the wrongs were now too great for even a submissive age. The corruption and misgovernment in the church and papal interference with civil affairs soon made the discontent widespread and deep seated. Europe was ripe for a revolution.

In the year 1501 we find in the University of Erfurt, province of Saxony, Prussia, a youth eighteen years of age. He is reading Cicero and Virgil and studying medieval philosophy, logic and law, preparatory to entering the legal profession. The art of printing with movable type had been but recently invented.

The boy had never had a copy of the Bible in his hands, and knew nothing of its contents save from having heard portions of it read by the priests in the churches. He found in the convent library at Erfurt a copy of the Scriptures. Curiosity, added to his desire for religious truth, prompted him to read it. He became deeply interested, and finally completely absorbed with its revelations. Two years later he forsook the law and entered clerical life. This young law student was Martin Luther. In 1508 he was made preacher at Wittenburg and professor in the university. Nothing distinguished him more than his devotion to the Scriptures. Over his mind there had rested for years a varying cloud of doubt, perplexity and depression sometimes amounting to despair. His Scripture reading brought out of these clouds a new star in the East: "The just shall live by faith." He realized as he had not hitherto that religion was a simple individual trust, with its natural and necessary fruitage of good works, and not a priestly mediation. He saw that a vast clerical institution had been erected as a barrier in the way of a direct access to God. The veil in the temple must be again rent in twain. This discovery, with his profound disgust for the misgovernment and moral corruption in the church, added to his native courage, made him the natural leader of the Reformation.

The invention of printing was beginning to resurrect the masterpieces of Greek and Roman literature, and the masterpieces of ancient art. A new intellectual life was awakening. The invention of gunpowder had made the serf, in combat, equal to the noble. The king with peasant armies could break down the power of feudal lords, and the same peasant armies could curb the power of kings. Columbus had discovered a new hemisphere, where, all things being primitive, was found a proper place for planting a primitive government and a primitive church. Surely providence had prepared for the great emancipation. The world and its history was waiting for a leader, and a leader was at hand. A lighted match is all that is necessary to set the prairie on fire. The match in this instance was the sale of indulgences. Merchandise was made of the salvation of the souls of men, and remissions of sins were sold in the market. Luther issued his declaration of independence, and flung it in the face of ecclesiasticism by nailing his theses to the door of

the church. A commotion was raised throughout all Germany. The emperor Maximilian and the electorate of Saxony sympathized with the reformers. The pope tried first through his ambassadors to persuade and argue Luther into submission; failing in this, his papal highness excommunicated him. Maximilian died, and Charles V. of Spain became his successor. The pope prevailed upon the emperor to summon Luther before the Diet at Worms. Luther meekly responded to the summons. All along the way to the city he was greeted with enthusiasm. At Erfurt the university went out into procession to meet him. Arriving at Worms, vast crowds thronged the streets of the ancient city, and the windows and roofs were filled with spectators. So illustrious an accused had not appeared before so august a tribunal since Christ appeared before the Jewish Sanhedrim. The hall of the diet was filled to overflowing. The young emperor sat upon his throne. Around him were princes and nobles and dignitaries of the church. The power and pomp of civil authority is present, re-enforced by the ecclesiastical omnipotence of Rome. Luther appeared clad in his simple monk's frock. But more than Luther is on trial. The civil and religious liberty of the world is at the bar of its adversaries. A solemn demand is made upon him to retract his rebellious declarations or forfeit his life. With a deliberation worthy of so great a man and so great a cause, he took time to consult his counsel. The answer was all that the friends of a pure church and a free government could expect. His refusal to recant was scarcely more gratifying than the grounds upon which he placed it. He said: "I cannot submit my faith to either pope or councils, and unless I am convinced by the Scriptures, I cannot and will not retract." The supreme authority of the Scriptures and the right of every man to read and interpret them for himself is thus clearly announced. The issues are now joined, and the war of two hundred years' duration fully proclaimed.

The contagious insurrection soon broke out in France. There, too, it awaited its leader. In 1552 there entered into the University of Paris a boy of thirteen to prepare for the church. But his desire for a clerical career soon cooled, and at the suggestion of his father he determined to prepare for the profession of the law. As a law student he distinguished himself, and

was frequently chosen substitute professor when the regular instructors were absent. This young lawyer was none other than John Calvin. A relative was at the time engaged in translating the Bible into French. He interested the young lawyer in the study of the Scriptures. The latter became deeply absorbed in the study of religious truth and the principles of the Reformation. He soon experienced, to use his own words, a "sudden conversion." Returning to Paris he was early recognized as a leader among the reformers. Persecution soon drove him to Basel, where wrote the "Institutes," and thence to Geneva, where he was to become a man of action as well as a man of letters. Geneva had already been made a Protestant city under the preaching of the zealous French reformer, Farel. Protestantism had been adopted by a vote of its citizens, and the Catholic clergy had been banished from the city. But it remained for Calvin to organize Protestantism into Presbyterianism. He first addressed himself, however, without any definite church organization, to reforming the morals of the people. He emphasized right doing along with right thinking, and sought to make the church "a power for righteousness." At his instance a number of old and stringent laws of the city against immorality were re-enacted. Ecclesiastical censures were rigorously pronounced against evildoers. But the pursuit of this policy developed the fact that the independence of the church was by no means fully accomplished even in Geneva. The magistrates claimed that to exclude men from the communion table without consulting the civil authorities was an invasion of civil prerogatives. It was entirely proper for the church to be freed from the authority of the pope, an authority which he had so shamefully abused, but it was conceived that the governmental powers which the priesthood had lost had been rightfully acquired by the State. The reformers were ordered to withdraw the ban imposed on a certain church member, but Calvin and Farel realized the importance of the principle involved and refused. They were banished from the city. But Geneva found herself in need of their valued services and soon recalled them. No time was now lost by Calvin in taking advantage of favorable circumstances for organizing the church. He requested the lesser civic counsel to appoint six of its members to unite with him and the other ministers of the city in drawing up a defi-

nite order of church government. This was done and the work was approved by both the councils and the order ratified by a vote of the people. Thus originated the celebrated ecclesiastical ordinances of the church of Geneva.

The 20th of November, 1541, may be regarded as the birthday of the modern Presbyterian churches. But a crude Presbyterianism it was. The elders had to be chosen from the one or the other of the civic councils. They were nominated by the lesser council with the approval of the pastors, and elected by the greater council. The deacons were selected in a similar manner. Elders, deacons and pastor were responsible to the consistory, which was a sort of supreme court for all of the local churches, composed of all the elders and pastors of the city. It met weekly, and was presided over by one of the magistrates of the city. Notice of censures and excommunications had to be sent to the civic authorities, who might add civil penalties to the ecclesiastical. It must be admitted that this was a very slight advance toward a separation between the church and State and towards representative church government. It fell far short of the church idealized by Calvin in his "Institutes," but he was compelled to yield temporarily to the low ideal of the cautious burghers. By sixteen long years of patient and tactful endeavor, involving several severe and critical struggles, these blemishes on the church government were removed, the last concession by the council being the yielding to the church of the right of excommunication. Geneva, the small city on the banks of the Rhone, at the head of the beautiful lake, was henceforth the capital of the Reformation.

The reformers appreciated the value of education in a free church as in a free state. Luther had caused public schools to be opened in Saxony and had himself translated the Scriptures into the German of the common people. Calvin also was zealous not only to suppress the false, but to disseminate the true. He established the famous academy of Geneva, which enrolled in its first year eight hundred students, many of them from France, Holland, Germany, England and Scotland. They returned to their homes only to scatter Geneva thoughts and Geneva methods. Books and pamphlets being sent forth to all countries, the Geneva reformers became the spiritual and ec-

clesiastical guides of all the reformed churches, and the Geneva church became the mother of many.

But it is to the home of our English ancestors that our eyes now turn with greatest interest. The writings of Luther found their way into the hands of students at Cambridge and Oxford. Tyndale said to a brother divine: "I will cause a boy that driveth a plow to know more of the Scriptures than thou dost." He lived long enough to fulfill his purpose by the translation of the Bible into English. Henry VIII. was a staunch Catholic. He published a reply to Luther's theses and sent a copy bound in cloth of gold to the pope. The pope was so delighted that he conferred upon him the title, "Defender of the faith," an addition to the title of the sovereign of England that remains to this day. But Henry wanted a new wife and applied to the pope for a divorce from Catharine of Aragon. The answer to his request having been delayed until his patience was exhausted, he declared himself to be the head of the Catholic Church of England. He obtained his divorce and married Anne Boleyn. The pope ordered him to put her away under pain of excommunication. Henry terrorized the clergy and they ratified his declaration. A subservient Parliament passed the act of supremacy, made a denial of the king's supremacy high treason, and authorized him to decide all questions of orthodoxy and punish with death all whom he deemed heretics. Under this arbitrary power he executed Sir Thomas Moore and Bishop Fisher. All ecclesiastical relations with Rome were severed. The pope issued a bull excommunicating and deposing Henry, delivering his soul to the devil and his kingdom to the first invader. The king retaliated by suppressing the monasteries and confiscating their property. He contended, perhaps with much truth, that these institutions had sunk into a state of ignorance, drunkenness and profligacy. Henry was certainly well acquainted with these vices. After having six wives, from two of whom he was divorced and two of whom he beheaded, the time came for the head of the church to cease his hangings, beheadings, and marriages, and, worn out by debauchery, he died at fifty-six of a loathsome disease. A long, bloody contest, lasting more than two hundred years, now began between Catholicism and Protestantism and between Episcopacy on the one hand and Presbyterianism and Puritanism on the other. It in-

volved sacred principles of civil as well as ecclesiastical government.

Henry's son, Edward, established Protestantism as the State religion, and the articles of faith were adopted. Because his eldest sister, Mary, was a Catholic, he named Lady Jane Gray as his successor. The country supported Mary, and Lady Jane Gray was promptly beheaded. Mary repealed all legislation favorable to Protestantism, and resumed the old relations to Rome. Her chief arguments were the dungeon, the rack, and the fagots. The reading of the Bible was made a capital offense. She kept Smithfield ablaze with martyrs. Elizabeth, her successor, was, as a woman and a sovereign, unique. Intelligent, educated and an intuitive judge of men, she was nevertheless irresolute and impulsive. She was vain, fond of regal display, ambitious, a demagogue and a high-tempered, cruel tyrant. She coquetted with the religious factions as she did with Leicester, Essex, and Raleigh. The pope declared her illegitimate and ordered her to lay aside the crown. But the country supported her, and Catholics were excluded from the House of Commons. Mary Stuart (Queen of Scots), a devout Catholic, claimed the crown, and Elizabeth caused her to be beheaded, and afterwards caused her own secretary to be heavily fined for advising the bloody deed. Mary left whatever claim to the crown she possessed to Philip II. of Spain, the most powerful sovereign in Europe. He fitted out the Spanish Armada to make a conquest of England and restore the religion of Rome. He was ingloriously defeated. In many respects Elizabeth's reign was illustrious, but her death was as sad as her life was brilliant. She died propped up on a cushion on the floor, tired of reigning and tired of life. Her recumbent effigy sleeps opposite that of Mary Queen of Scots, in Henry VII. chapel. "The sculptured features of both look placid." "After life's fitful fever, they sleep well."

James I., a bigoted Catholic of small mind and unbounded conceit, comes upon the throne. He wrote on witchcraft, kingcraft and theology and against tobacco, which Raleigh had brought from America. He was the first of the English sovereigns to proclaim the doctrine of the divine right of kings. He saw that the doctrine of equality in the church led to equality in the State. A favorite maxim of his was, "No bishop, no

king." On the other hand, the nonconformists, who generally had control of Parliament, resisted the encroachments of the crown, and it is to be regretted that the means of resistance were too often illegal and inhuman. Parliament withheld from the kings the revenues with which to gratify their extravagance and to maintain large standing armies.

The doctrine of the divine right of kings continued to be maintained by Charles I., Charles II. and James II. The cruelty of James drove the Puritans first to Holland and then in the Mayflower to Plymouth Rock. His royal favor sent a company of "gentlemen" to found at Jamestown, Virginia, the first English colony in America. Parliament refused to grant Charles I. money with which to raise an army and to sustain his luxurious living. He undertook for eleven years to reign without a Parliament and raise money by forced loans and the selling of monopolies in the necessities of life. These resources failed him, however, and he was compelled to assemble Parliament, which continued in session for thirteen years. During this time Parliament presented the petition of right, declaring that no one should be compelled to pay any taxes except by order of Parliament and that no one should be imprisoned or punished contrary to law. Charles, by his need of money, was forced to assent to the petition, and it became an important part of the English constitution. This Parliament impeached Stafford, imprisoned Laud, and ultimately beheaded both. The king undertook to coerce Parliament by military force; the result was the civil war, the protectorate, Cromwell with his Roundheads and Charles with his cavaliers.

It was during the reign of Charles that the renowned Westminster assembly was convened. The extent to which the old ideas still prevailed is evidenced by the fact that Lord Selden, one of the lay members of the assembly, the ablest lawyer and the finest scholar of his age, left the House of Lords and occupied that august body with a speech whose logic and erudition had cost him ten years of preparation to convince his hearers that excommunication was a function of the civil and not the ecclesiastical government. But this Goliath found his David in a young clergyman by the name of Gillispie, who, by a simple argument based upon scriptures completely effaced the deep impression made by the learned and eloquent disquisition.

Cromwell has been described as a despot for the benefit of the people. Under Napoleon's test, "Tools belong to those who know how to use them," he vindicated his right to rule. After his death royalty was restored by the crowning of Charles II. As the champion of episcopacy all office holders were required to renounce the Puritan covenant and take the sacrament of the Church of England. No religious assembly was permitted which did not use the ritual of the English church. Dissenting ministers were not permitted to teach schools or live within five miles of an incorporated town. Two thousand Presbyterian clergymen were turned from their parishes in a single day. Resistance to these laws was punished with fines, imprisonment, or slavery. Men were shot down like dogs without the semblance of a trial because they would not take the oath of conformity. Bunyan was imprisoned in Bedford jail for twelve years because he "devilishly and perniciously abstained from coming to church." Parliament, on the other hand, required every office holder to acknowledge himself a Protestant. It compelled the king to sign the habeas corpus act to prevent throwing men arbitrarily into prison. It limited the royal allowance. The life of Charles was a sad commentary on his principles. He is described as a good-humored, hard-hearted voluptuary who had no love of country, no sense of duty, no belief in man and no respect for woman. He died on Sunday morning, February 6, 1685, sitting in his grand banquet hall, chatting with three famous court beauties, while a crowd of his nobles were gathered around a gambling table heaped with gold. He died a Roman Catholic. A priest was smuggled into his room to hear his confession and grant him absolution. It is said few men had greater need for both.

The reign of James II. was much the same as that of Charles. His tyranny provoked the rebellion of Monmouth. All who were in the remotest way implicated in it were tried before the infamous Jeffery, if we may thus defame the word trial, the threshold of whose court was to most of those who entered it the threshold of the grave. His victims numbered about one thousand, who were brutally scourged, sold into slavery, hung or beheaded. Blackened corpses hung upon the mileposts along the highway, and ghastly heads looked down from the church towers. The country could endure him no longer, and

invited William Prince of Orange, to assert the claims of his Protestant wife to the throne. He did so without the shedding of blood. Even the bronze statue of the deposed and despised king, standing in the rear of Whitehall, was left undisturbed, where it stands to-day. The long night which had enveloped England began to yield to the dawn of a new era. The rights of the people began to be recognized. The army was put practically under the control of Parliament, where it has ever since remained. Toleration was extended to all religious believers except "papists and such as denied the trinity." The divine right of kings was renounced forever. Full liberty to Catholics was granted, except that neither Catholics or those marrying Catholics were eligible to the throne. The calling of William was a recognition of the doctrine that in emergencies demanding it, the people, through Parliament, had the right to choose their own rulers and to this extent modified the rule of hereditary succession. It has been said that the English sovereign is to-day dependent upon the will of the people for his power as really, though not as directly, as the president of the United States. The gains made in behalf of freedom during William's reign were not lost during those of Anne, George I. and George II. But the house of Stuart was not willing, however, to make a final surrender without a death struggle. The enemies of Great Britain, Protestantism and of free government induced Charles Edward, called the young pretender, to make another effort to recover the crown. He was the grandson of James II. In 1745 he landed on the coast of Scotland with but a few followers. There were a large number of Scotch people who were dissatisfied with the reign of William. These Scotch Jacobites strangely found something to long for in the theories and practices of James. Many of them flocked to the pretender's standard. He took Edinburgh and annihilated the English army at Prestonpans, took Carlisle and marched within ninety-four miles of London. He retired into Scotland, taking Glasgow, and defeated the English at Falkirk. All England was alarmed. King George and his "martial boy," William Augustus, Duke of Cumberland, were in Flanders engaged in the war of the Austrian succession. They were called home to defend the country against the invasion of the Pretender. The duke was only twenty-five years of age. His private life

had been none too exemplary, and he had distinguished himself by nothing but his courage in the victorious battle of Dittengen, in which one year before he had received an honorable wound. Because of the bravery exhibited in this battle, he was put in command of the English army in Scotland. The eyes of all England were upon him. The success of the Pretender would mean the destruction of the liberties of the English people and the fastening upon them of the most degrading theories and practices in government. It meant a return of corruption in the church, enslavement of the human mind, and the obscuring in medieval darkness of the light of Christianity. The duke's army was well furnished with artillery and all other needed supplies. The two armies were near together on a desolate tract of moorland in Scotland, known as Culloden. Charles made a night attack upon Cumberland's army, but it failed. At last the decisive shock of battle came. It occurred on the 16th day of April, 1746, about one mile south of Culloden House and about five miles southeast of Inverness. The prince's right wing charged the duke's left. The English were drawn up in two lines. The first line was completely swept by the charge. The Scotch, flushed by the victory, pressed on. They thrust themselves on the second line, but in vain; destiny, as at Waterloo, had settled the contest. The fire and bayonet charge of the English second line almost annihilated the invaders. The prince fled from Scotland, never to tread again on English soil. All England was enthused at the eventful victory. The duke's fame spread far and wide. England had had far greater generals and had gained, in a mere military point of view, far greater victories, but, considered in its relation to associated events, none could claim greater importance. With this battle ended the last attempt to restore Catholic supremacy in England and to reinstate the house of Stuart. It was the culmination of a long struggle, which has been properly called an insurrection of the human intellect against the bonds which had been imposed upon free thought—the emancipation of human reason from the reign of tradition and dogma. In it was a revolt of the oppressed against the abuse of arbitrary power. It had lasted two hundred and fifty years. It had cost the blood of perhaps two hundred thousand martyrs. It had soiled the pages of history and the fair name of Christianity with St. Bartholo-

mew in France and the inquisition in Spain. It had dethroned and beheaded kings. It had sent bishops and ministers of state to the scaffold, and saints and misguided zealots to the stake. It had decimated the armies and filled the prisons of Europe. No human mind can measure the suffering which it inflicted nor the cruelty and depravity which it had developed. And yet, such were the birth pains of civil and religious liberty. The battle of Culloden ended the struggle. No more would men be punished for their religious opinions, nor compelled to worship according to prescribed forms. No longer were courts of justice to be "caverns of murderers," with judges to browbeat prisoners, take their guilt for granted, insult witnesses, and imprison juries who dared to render conscientious verdicts. Never again would it be contended that the people have no rights which the sovereign is bound to respect. The house of Hanover was firmly established upon the English throne, the most illustrious dynasty that ever reigned. It is but necessary to mention the name of Victoria, sixty-four years a queen, in order to suggest all that is noblest in monarchical government and all that is hopeful in the dominant influence among the nations of the earth of two great, harmonious, English-speaking peoples.

But our forefathers in the wilds of America had not during these long years been ignorant or unmindful of what was transpiring in the mother country. Many of them had been driven from kindred, home, and native land by that same power whose flag went down forever on the fated field in Scotland. They knew that their own liberties had been involved in the struggle; that the enslavement of the mother meant the enslavement of the child. In their rejoicings they were sounding the timbrel of their own deliverance. They knew that Culloden was the culmination of their triumph, and that Cumberland was the hero of Culloden. Among those thus rejoicing was Dr. Thomas Walker, who had been chosen to lead an exploring party into the country which is now Middle Tennessee and Kentucky. The party left Southwest North Carolina and Southeast Virginia in the year 1748. They passed down through the beautiful valley in East Tennessee known as Powell's Valley until they came in sight of the great mountains. As Dr. Walker stood in the valley and gazed upon the graceful slopes of these mountains,

covered with primeval forests, and their summit crowned with towering cliffs, he determined to make their beauty and grandeur expressive of his country's gratitude for its great deliverance by naming them after the young hero of Culloden. Continuing the journey, he reached the remarkable depression in the mountains where nature seemed to have opened a gorgeous gateway for the westward march of a new civilization, and to this also he determined to give the name Cumberland. Passing through the gap and down the valley west of the mountains, he found himself on the banks of the beautiful river. A scene more impressive is rarely presented to the eyes of a new beholder. The stream flows peacefully before him, clear as the crystal springs from which it came. An unbroken forest, wide as a continent, surrounds him. The wild beast and the savage are its sole inhabitants. The fish play unmolested in the limpid waters, and the birds flit undisturbed through the branches of the trees. Nature's verdure incloses the river with walls of green as it winds away and is lost in the distant wilderness. The blue sky looks down in recognition of the quiet beauty of its eddies. Not a sound is heard save the notes of the songbirds or the murmur of a distant waterfall. The solitude seems the presence chamber of the mysterious and majestic powers of nature. Admiration is lost in reverential awe.

With a mind exalted by such impressions, our discoverer undertakes the sacred duty of christening our beloved river. What more natural than that he should write upon its placid bosom the same name which he had inscribed on the mountain's top that both might conspire to commemorate the events which alone had made the name Cumberland immortal?

Much that we have rehearsed in this paper is merely well-known history, yet these are facts with which from time to time our recollection should be refreshed, lest we may forget the price which has been paid for the blessings which we enjoy. Of these events the name Cumberland is a perpetual memorial. Let us be grateful for the great monument which nature has reared in our midst. It is higher than Bunker Hill and more enduring than the pyramids. History has appropriated it and written the epitaph. The inscription reads like this:

SACRED TO THE MEMORY

of

That great Struggle wherein Were Established the Principles
of

Government for the Benefit of the Governed;

Constitutional Limitations on Power;

Authority of Civil and Ecclesiastical Rulers

Dependent upon the Will of the People;

The Church Separated from the State;

An Open Bible;

An Universal Priesthood;

A Pure Morality;

A Simple Faith, Tranquilizing Life and

Brightening the Mystery of the Grave.

Such are the lines written on our monumental name. Let us ponder and cherish them. Let us regard it our highest and holiest mission to interpret them to the generation in which we live, and to our children who are to come after us.

CONTROVERTED POINTS IN TENNESSEE HISTORY.

[A series of four articles appeared in the Sunday editions of the *Knoxville Journal and Tribune*, extending from December 9, through December 30, 1900. These articles were headed: "Some mistakes and omissions in the Garrett and Goodpasture History of Tennessee," and were signed, "A. B. Wilson."

Dr. W. R. Garrett, one of the authors of the History, replied in a series of nine articles, published in the Sunday editions of the same newspaper, and extending from January 27 to March 17, 1901.

As these articles discuss many disputed points of Tennessee history, they may be interesting to the readers of the magazine.

As all the points of controversy raised by Mr. Wilson are quoted in the articles which reply to his criticism, the whole case is presented by republishing the replies.]

ARTICLE I.

Upon my return home after an absence from the State, I was informed that a series of articles had appeared in the *Knoxville Journal and Tribune*, entitled "Some Mistakes and Omissions in the Garrett and Goodpasture History of Tennessee," and signed A. B. Wilson.

I have been supplied with copies of these four articles, and have given them a careful examination. The first article bears date of December 9, and the last December 30, 1900. In this communication I confine attention to the first article, in which Mr. Wilson raises four distinct points of issue:

1st. He denies that the cession act of 1784 was the cause of the attempt to establish the State of Franklin, and asserts that the revolt was caused by the repeal of that act.

2d. He denies that Tennessee was a part of the colony of Virginia from 1584 to 1663.

3d. He asserts that the map on page 52 of the book is incorrect.

4th. He denounces the tradition of "Bonnie Kate Sherrill" as a fiction, and censures the authors for introducing it in a school-book.

I recognize the right of Mr. Wilson, or any other citizen, to criticize a book which is offered as a candidate for public favor

and patronage, and the corresponding duty of authors to admit frankly and correct promptly any error or omission which may be demonstrated. It is the purpose of the authors of this history to supply for the use of the schools of the State a book which is reliable and accurate in statement. Therefore, no preconceived opinions or pride of authorship will restrain them from revising new editions, so as to utilize all sound suggestions or just criticisms. The authors likewise owe a duty to themselves and to the public to defend their work from unjust attacks or erroneous criticisms.

In his article of December 9, 1900, I think that Mr. Wilson is mistaken on all the points which he raised. The limitations of a newspaper communication scarcely allow room for the discussion of the first point. As this is the most important of the four points, I shall devote this article to its consideration, reserving reply to the other three points for a future communication.

As an introduction to the statement of his first point of criticism, Mr. Wilson says: "It is strange that in the light of all history the authors of this book should have mistaken, and based upon their mistakes, should misrepresent the motives which governed the pioneers of East Tennessee."

I cannot think that Mr. Wilson in using the words, "misrepresent the motives," means to charge the authors with injustice to the pioneers of East Tennessee. Such a position would be utterly untenable. From the preface to the conclusion the authors testify their affectionate admiration for the East Tennessee pioneers. On page 94 the following reference is made to "John Sevier and his hero pioneers:" "Commanding in figure, noble in presence, picturesque in costume, frank, bold, just and wise, all unconscious of their greatness, they formed a group which history cannot adequately portray, and which posterity can never cease to admire." Wherever mentioned in the book the pioneers are referred to in similar terms of sincere praise. I prefer to construe the language used by Mr. Wilson to mean only that he thinks that the authors do not correctly describe the sentiments of the pioneers with reference to the cession act and its repeal.

In support of his position, he quotes from the preface of the book, on page 7. As he does not quote the main discussion, on pages 89 and 90, sections 136 and 137, I give extracts from

these sections, which are too long to quote in full. These extracts will be sufficient to set forth the views of the authors:

"The immediate cause of offense with North Carolina was the cession act of 1784. . . . Nothing was lacking but the consent of Congress to degrade Tennessee from statehood. . . . The people felt that their dearest interests were at stake. They had enjoyed statehood, and they were not willing to relinquish it. Now North Carolina was giving them away without their consent. With characteristic promptness and self-reliance, they provided their own remedy. That remedy was the organization of an independent State. It was the third effort at self-government."

Mr. Wilson condemns these statements, and places in contrast certain statements of his own. He defines his position in three distinct propositions, the first two of which are conceded. They agree with the statements in the book, and need not be quoted. He says: "It is well and definitely shown in all the histories of our State: . . . Third, they were not indignant at the passage of the cession act of 1784, ceding their country to the United States, but this act was secured at their instance and because they desired it. It was not on account of the passage of this act, but on account of its repeal at the next term of the Legislature that they rebelled and attempted to form the State of Franklin. They were not degraded from the condition of the State citizenship, but the act referred to was what they had long desired, and gave them independence from the dominion of the parent State, North Carolina, which they had previously sought in their futile attempt to form the State of Franklin."

I consider these opinions of Mr. Wilson erroneous, and submit the testimony without argument. The sentiments of the pioneers may be gathered, first, from their acts; second, from their statements; third, from the comments of judicious historians.

1. The testimony of the acts of the pioneers. They began the movement to form the State of Franklin before the repeal of the cession act. The repeal of that act caused a reaction against the movement, inadequate at first, but constantly increasing, and finally gaining sufficient strength to overcome the movement. The following historical facts will not be disputed. The cession act was passed in June, 1784. The first conven-

tion of deputies met at Jonesboro, August 23, 1784. This convention took the preliminary steps to establish an independent State, and provided that a second convention should meet at Jonesboro September 16, to form a constitution, which did not meet at the time appointed, but met subsequently, at Jonesboro, December 14, 1784. In November, 1784, North Carolina repealed the cession act, but positive information of this repeal did not reach Jonesboro until January, 1785. This latter fact appears in a letter of John Sevier quoted below. Then follows a period of contest in the which the State of Franklin constantly grew weaker, and finally collapsed in 1788.

2. The statements of the pioneers. The first witness is John Sevier. The following letter shows that the governor of Franklin did consider the cession act as a cause of offense, and did not so consider the repeal. It may be found in Ramsey's Annals, page 291, and is addressed to Col. Kennedy.

"2nd January, 1785.

"DEAR COLONEL: I have just received certain information from Gov. Martin that the first thing the assembly of North Carolina did was to repeal the cession bill, and to form this part of the country into a separate district by the name of Washington district, which I have the honor to command as general. I conclude this step will satisfy the people with the old State, and we shall pursue no further measures as to the new State."

The correspondence between the governors of North Carolina and Franklin show that both parties agreed in the opinion that the formation of Franklin was caused by the cession act, and not by its repeal. Gov. Martin, of North Carolina, wrote Gov. Sevier: "The general discontent that prevailed through the State at the late cession act caused the assembly to repeal the act," etc. He alludes to the repealing act and other provisions as intended to remove "every obstacle out of the way that called for a separation, and which the Legislature were induced to expect from one of the members of the district would give full satisfaction." (Ramsey, p. 306.)

In his manifesto, issued April 25, 1785, Gov. Martin mentions the causes for forming the State of Franklin, "among which it is alleged that the western country was ceded to Congress without their consent," and he also says: "The general assembly

having learned what uneasiness and discontent the cession act had occasioned through the State," etc. (Ramsey, p. 309.)

Commenting on this manifesto, Ramsey says (p. 313): "A few had from the first advised adherence to the mother State. Their number had increased after the repeal of the cession act."

In a letter to Gov. Caswell, of North Carolina, May 4, 1785, Gov. Sevier says: "For your own acts declare that this country was ceded off to Congress," etc. (Ramsey, p. 314.) He says in the same letter: "The repeal of the cession act we cannot take note of, as we had declared our separation before the repeal. Therefore we are bound to support it with the manly firmness that becomes freemen." Similar statements are made in other letters of John Sevier to Gov. Caswell and to Benjamin Franklin.

The Legislature of North Carolina, assembled in November, 1785, passed an act in which is set forth the causes of the "revolt." One cause is stated as follows: "In consequence of the general report and belief that the state, being inattentive to their welfare, had ceased to regard them as citizens, and had made an absolute cession, both of the soil and jurisdiction of the country in which they reside, to the United States, in congress." The letter of Judge Campbell expresses the same views. Gen. Cocke, one of the commissioners of the State of Franklin, addressed the North Carolina Legislature in a speech of great eloquence, a synopsis of which is given in Ramsey. "He traced the motives of their separation to the difficult and perilous condition in which they had been placed by the cession act of 1784."

It is unnecessary to quote further from the participants in the struggle. There can be no higher authority than the official communications of the governors, and the statutes of the two States concerned in the contest. They fully sustain the statements of Garrett and Goodpasture's History of Tennessee. In fact, the statements of this history were mainly compiled from the sources above quoted.

These views were summed up in a famous debate in the Senate of the United States, March 24, 1838, in which the defense of the State of Franklin was made by one of Tennessee's greatest statesmen, and is reported in part in Foote's "Bench and Bar of the South and Southwest," p. 124, and is reported in full in Nancy N. Scott's Memoir of Hugh Lawson White, p. 237. In reply

to Daniel Webster, who had made humorous allusions to the State of Franklin, Hugh Lawson White recounted the causes which led to the attempt to form the state. Senator White was entitled to give testimony, for he had, though only a lad at the time, been a witness of all the struggles of the State of Franklin. He says: "That State [N. C.] was not in situation to furnish protection, and instead thereof, from good motives no doubt, ceding us to the United States. When the news was received, the leading men, who were King's Mountain men, Sevier at their head, took fire. The discontent ended in a declaration of independence, and the formation of a state, called to perpetuate our Whig principles, Franklin. North Carolina discovered her error, and before congress could act on the subject repealed her act of cession. But it was too late. We had been disposed of without our consent—we would not brook the indignity; we had begun the fight for liberty."

III. The Testimony of the Historians.—Dr. Ramsey says, pp. 284, 285: "The members from the four western counties, immediately after the adjournment of the assembly, returned home. They brought with them the first intelligence that had reached the west of the passage of the cession act." [The settlers] "ceded by the parent state, not yet accepted by their federal owners, depressed by the contemplation of the state of political orphanage to which they are now reduced, and of the anarchy which must result from it—the opinion became general with the entire population that the sacred duty now devolved upon themselves to devise the means, to draw upon their own resources, and, by a manly self-reliance, to extricate the inhabitants of the ceded territory from the unexpected difficulties with which they were surrounded."

He further says, pp. 438, 439: "The transfer by North Carolina of her western counties to congress, at that time imbecile and powerless, even over the original confederated states, and the novelty of the experiment, had produced alarm, excited apprehension, and aroused a deep discontent in the new settlements. Under this view of the subject it is not strange that the cession act was followed by dissatisfaction and revolt in the western counties."

Judge Haywood expresses similar opinions, some of which are quoted by Ramsey. Phelan says, page 70: "A storm of

indignation swept through the entire settlement. The Watauga pride had been cut to the quick. The people regarded themselves without government, and, true to the traditions of their race, they sought the solution of the difficulty in their own resources."

Eastin Morris says, page XXII., in the Tennessee Gazetteer, published in 1834: "After this act [the cession act] the citizens of Tennessee became fearful that pending the negotiations, they would be deprived of the laws of the parent state, and congress also."

The actors in the struggle and the historians all testify that the cause of offense was the cession act, and that the people feared that they would lose their State citizenship in North Carolina, be refused separate State citizenship by congress, and thus be degraded to the condition of inhabitants of a territory, without power to make their own laws or to protect themselves from the Indians.

ARTICLE II.

In my first communication I replied to Mr. Wilson's first point of criticism, reserving the discussion of the three remaining points for future articles. In the discussion of the second point I desire to make a quotation from an authority to which I cannot obtain access at present: I therefore pass to the discussion of the third point.

Mr. Wilson states two objections to the map of the Watauga settlements, on page 52 of the history. First, he says: "It is no doubt true, as stated in this history, that up to the time of the running of the line between Virginia and North Carolina, all the territory lying north of the Holston river was considered in Virginia." It would, perhaps, be no error, certainly only an error of classification, to designate the two North Holston settlements as a part of Virginia previous to the running of the dividing line in 1779. They certainly were *de facto*, although not *de jure*, under the jurisdiction of Virginia. They made petitions to the legislature of Virginia, lived under the laws of Virginia, and acknowledged the jurisdiction of Virginia. In addition to this the jurisdiction of Virginia was undisputed by any adverse claim, all of which is distinctly set forth in the laws of North Carolina.

In the October session of the general assembly, 1779, an act was passed for the relief of the North Holston settlements. In the preamble to this act it is stated, that the lands westward of Steep Rock, "lying on the north or northwest side of the said River Holston, hath, by mistake of the settlers in that part of the country, been held and deemed to be in Virginia; Whereas, by the line lately run by the said commissioners of Virginia in this state, it appears that great numbers of good subjects have fallen into this state who were before reputed to be in Virginia." (See Iredell's Laws of North Carolina, p. 395.) In defining the status of these settlements the authors have thought it best to classify them, not as "a part of Virginia," but as "believed to be in Virginia." Mr. Wilson files no exception to the text, but bases his criticism on the map.

He says: "It is not proper, on this account, for the authors of this book, in the map on page 52, to designate this as a part of Virginia. Had it simply shown that this was considered or claimed as a part of Virginia it would not create a false impression in the minds of the pupil," etc., and politely styles the map: "A confessed falsehood on its face." This criticism applies to the fact that the authors have printed the word "Virginia" over that portion of the map north of the Holston, and extending up into the state of Virginia, and the words, "North Carolina," over the portion south of the Holston, and have so marked and colored the map as to show the Holston river as the dividing line. This is the proper and customary method used in similar maps.

It is common in histories to use maps to indicate the erroneous ideas which formerly prevailed, which are historic and require representation. Two other such maps are given in this book. One may be found on page 39. It is inserted to show the incorrect ideas of geographers in 1756. It is copied from an old map. Another is found on page 100. It is adapted from the map in Justin Winsor's Narrative and Critical History, and shows the Indian reservations proposed by Spain and France. In all these maps the names are printed on the map in accordance with the supposition, and the supposition is shown in the title and the text. This is the customary method, and does not give "false impressions," either to children or grown people. The reader is requested to refer to these three maps, in order to satisfy him-

self. In regard to the map on page 52, he will find the following title printed in capitals: "Map of the Watauga Settlements, showing the supposed Virginia line." Preceding the map, on page 51, section 71, these settlements are thus described: "They received the protection of Virginia, under whose laws they lived, and whose authority they supported until the Walker-Henderson line of 1779 showed them to be in North Carolina." Immediately over the map, section 72, occurs the expression: "There was another settlement north of Holston, known as the Carter's Valley settlement, in what is now Hawkins county. It was believed to be in Virginia." The fact that these settlements were considered or claimed as part of Virginia, is thus repeated three times. This would seem sufficient to make it perfectly clear.

Mr. Wilson next points out what he is pleased to style "a gross error," in the same map. He denounces the boundary lines of Brown's purchase as incorrect, and proceeds to define the true line. In all this he is entirely wrong, as is demonstrated below. In order that there may be no mistake in stating his proposition, I quote his words: "By the treaty of July 20, 1777, Brown's line was made the dividing line between the hunting ground of the Cherokees and the country subject to settlement." This is incorrect, as shown below.

Mr. Wilson continues: "This line is well defined, as shown in Ramsey's Annals, on page 173, and ran from the top of Chimney Top Mountain to the mouth of Camp Creek. This is a direct line, but as laid down on this map, the line is made to run, according to the scale of miles, from the highest point of Chimney Top Mountain in a southwest direction for about twenty miles, and then in a southeast direction to the mouth of Camp Creek."

Mr. Wilson is correct in stating that the treaty line of July 20, 1777, runs in a direct line from the mouth of Camp Creek to Chimney Top Mountain. His error consists in supposing that line to be identical with the boundary of Jacob Brown's purchase. It did not seem to occur to him that the final authority for asserting the boundaries of a tract of land is the deed which conveys it. The deed to Brown's second purchase was executed March 25, 1775. Ramsey gives in full the deed to Chas. Robertson, and says: "It is found in the register's office of Washington county." He also gives in full the deed to Brown's first pur-

chase, and quotes on page 126, from the deed to Brown's second purchase, the portion defining the boundary lines.

Instead of consulting this deed, Mr. Wilson assumes that the boundary coincides with that of the treaty of July 20, 1777, made more than two years later. He thus falls into an error, which is none the less an error because it is sanctioned both by Haywood and Ramsey.

In preparing the map of the Watauga settlements the authors carefully examined the statements of Haywood, page 55, and of Ramsey, page 172, together with all other available evidence. They were compelled to reject these statements. The authorities on which the authors relied, were, first, the deed; second, the report of the United States Bureau of Ethnology for 1883-84.

The writers employed in this department of the government are afforded facilities beyond the reach of private investigators. They are supplied with a corps of assistants and specialists, and with every chart, record, or manuscript that bears on the subject. Their researches are, therefore, comprehensive, accurate and exhaustive. Their statements are entitled to be received with entire confidence. Taking this report in connection with the description of the boundaries of Brown's second purchase, as quoted in Ramsey and sketched in the above mentioned report, page 147, the authors marked the boundaries as accurately as they could determine them from the descriptions, in the absence of any contemporaneous map or survey. The boundaries, as given in the deed, or as much thereof as pertains to our purpose, are quoted below from Ramsey, page 121, as follows:

"Beginning on the south side of said [Nonachucky] river, below the old fields that lie below the said Limestone, on the north side of Nonachucky Mountain, at a large rock; thence north 32 degrees west to the mouth of Camp Creek, on the south side of said river; thence across said river, thence northwest to the dividing ridge between Lick Creek and Watauga or Holston; thence up the dividing ridge to the rest of said Brown's lands; thence down the main fork of Big Limestone," etc.

There was no difficulty in locating the beginning point, or in running the line thence northwest to the mouth of Camp Creek; thence, according to the deed, the line must be run "northwest to the dividing ridge between Lick Creek and Watauga or Holston." This would not bring it in a direct line to Chimney

Top Mountain, for the very plain reason that Chimney Top is northeast of the mouth of Camp Creek. The authors found no authority for ignoring the deed and running the line direct to Chimney Top Mountain except the statements of Ramsey and Haywood. Both these historians had their minds directed more to the history of important events than to the exact location of geographical lines. It was proper to rely upon the report of the Bureau of Ethnology, a work in which especial attention is given to tracing and locating the old Indian treaty lines, geographically and accurately.

In the report for 1883-84, in an article by Mr. Royce, entitled "The Cherokee Nation of Indians," the purchases of Jacob Brown, in 1775, the treaty lines of July 20, 1777, and the treaty lines of 1785, are discussed at length. The map accompanying this report is the most accurate and complete map ever made of the treaties and treaty lines of the Cherokees. The map does not show the lines of Brown's purchase, but it does show the treaty lines established at the treaty of Hopewell, November 28, 1785, and shows this part of the line to be identical with the line of July 20, 1777. This line runs direct from the mouth of Camp Creek to Chimney Top, and is in a northeasterly direction, but the deed describes the line of Brown's purchase as running from the mouth of Camp Creek in a northwest direction to the ridge. The two lines cannot, therefore, coincide, and we cannot accept Mr. Wilson's statements, unless he can explain how a northwesterly line can be made to run in a northeasterly direction.

But Mr. Wilson files another reason for his opinion. He says that the lines, as given in the map, "would have placed Greenville and a considerable portion of the surrounding country within the purchase from the Indians, whereas, the same was, according to this treaty, left in the Indian reservation."

All of this is easily explained by taking the map, as given on page 52, in connection with the following statements of the report of the Bureau of Ethnology. On page 150, it is stated: "Some parts of Brown's line" were agreed on as parts of the treaty line of July 20, 1777. It is further stated, page 152, under the head of the treaty of 1785, the lines of which are identical with those of the treaty of 1777, as far as Brown's purchase is concerned: "Although the Indians yielded an extensive territory to the United States, yet, on the other hand, the latter

conceded to the Cherokees a considerable extent of territory that had already been purchased from them by private individuals or associations."

This testimony is conclusive. The treaty line coincided with only a part of Brown's lines, and a considerable extent of territory was ceded back to the Indians. The running of the lines of Brown's purchase according to the deed, reconciles the whole matter. The line from the mouth of Camp Creek, southeast to the Nonachucky Mountain, coincides with the treaty line, and the portion of Brown's purchase west of the treaty line from the mouth of Camp Creek to Chimney Top was ceded back to the Indians. But superior to any explanations is the authority of the deed itself.

The map on page 52 conforms the boundaries of Brown's purchase to the stipulations of the deed, and is correct in doing so.

ARTICLE III.

This article will be devoted to the discussion of the second point, which was reserved out of the regular order for reasons heretofore assigned.

In their history the authors have distinctly taken the position that from 1584 to 1663, the country which is now Tennessee was a part of Virginia; that from 1663 to 1693, it was a part of Carolina; and from 1693 to 1790, a part of North Carolina. The authors discussed the several matters connected with the subject on pages 14, 32, 42, 44, and 46 of their history.

Mr. Wilson, in his criticism, cites only pages 14 and 32, where the matter is stated in brief. The reader who feels an interest in this discussion is requested to refer to the other pages, above cited, and especially to read Chapter VI., beginning on page 42, where the views of the authors are more fully and distinctly stated.

This chapter is headed: "Notable Colonial Events in Which Tennessee Has an Interest." The first section of this chapter reads as follows:

"As a Part of Virginia—As previously related, Tennessee was included in the limits of Virginia from 1584 to 1663, a period of seventy-nine years. The country was unexplored and unsettled, and there is no evidence that the foot of any Englishman

touched the soil of Tennessee during this period. The ancestors of the present Tennesseans, however, were living in Virginia and Carolina, and were preparing, even then, to push their settlements to the west, and to conquer the wilderness across the mountains. Tennesseans, as their descendants, inherit a share of their colonial history." This is followed by other sections, pointing out some of the colonial events of Virginia and Carolina in which Tennessee is entitled to share.

In the article published in the *Journal and Tribune*, December 9, 1900, Mr. Wilson dissents from the position of the authors, but does not state his own position as explicitly as he is wont to do.

In reference to Sir Walter Raleigh's patent, he says: "This does not show, as in Ramsey's Annals, and other works, that this indefinite grant was limited to such heathen and barbarous lands as he might discover and occupy."

It is a fact that the authors made no such statement, and they did not make it for the reason that such a statement would not be true. It will be hereinafter shown that the stipulations referred to in Raleigh's patent are words of grant and not of limitation; that, as a matter of fact, Raleigh planted colonies on lands which he did not claim to have discovered, but which had been claimed by England before Raleigh was born, and based on the discoveries of Cabot.

Mr. Wilson continues: "It cannot be claimed that he either discovered or occupied any part of what is now Tennessee."

No such claim is made by the authors. The reader has only to cast his eye over the extracts from the history, above quoted, to be convinced that the statements of the authors are emphatically to the contrary.

Mr. Wilson then enters upon an argument to prove that Tennessee could not have been a part of Virginia. He says: "It is strange that the authors, after giving so many details in relation to the early history and government of the colony of Virginia, should virtually ignore the grants of the lords proprietors in 1663 and 1665, embracing all the territory of North Carolina and Tennessee, and which assumed, at least, that this territory was not covered by any other grant or embraced in any other colony."

Mr. Wilson's conclusion is not correctly "assumed," for the

reason that this territory was covered by another grant, and was embraced in another colony. Instead, however, of placing the points at issue in the form of a controversial discussion, the authors prefer to rest their defense upon a summary of the authorities upon which their statements are based.

In many matters of Tennessee history the authors have relied upon the Tennessee historians, and mainly upon Haywood and Ramsey, as venerated authorities, and as safe and conservative guides. But the work of the authors is by no means a mere compilation from previous writers. They have dealt with many features of Tennessee history which previous writers had either ignored or inadequately presented.

The history of the early colonial relations of Tennessee has not received due attention. In treating this subject, therefore, the authors have found it necessary to go to the original sources of information, among which are the patents and charters of the English sovereigns, the acts of parliament, contemporaneous writers, etc. Some of these may be found in historical works, some in synopsis, and others in full. Most of those to which it is important to refer are recited in the pleadings in the case of Virginia against Tennessee, in the Supreme Court of the United States. They may all be found in full in Poore's "Charters and Constitutions."

The most reliable of the early writers is the great English historian, William Robertson. His history of America was published in 1777. From this work the modern historians have largely compiled their accounts of the early settlements. Synopses of the early patents and charters may be found in this work, pages 396 *et seq.* Another work of great value and interest is Col. Byrd's History of the Dividing Line Between Virginia and Carolina.

Interesting discussions of the early settlements may be found in the modern historians. The authors have consulted, especially, Bancroft, pages 73 *et seq.*, of Vol. I., and Fisk's Old Virginia and Her Neighbors, Vol. I., pages 28 *et seq.* The most complete and authentic account by any modern historian is given in Alexander Brown's Genesis of the United States, Vol. I., pages 10 *et seq.* The reader who feels interest enough in the subject to examine these authorities will find the following brief statement fully confirmed:

June 11, 1578, Queen Elizabeth issued to Sir Humphrey Gilbert the first English patent. In 1583 the powers of Sir Humphrey Gilbert being extended, and aid being supplied him, he sailed on an expedition to America, and lost his life at sea.

March 25, 1584, the patent of Gilbert having expired, a new patent was issued to his half brother, Sir Walter Raleigh. This patent confers on him "free libertie and licence, from time to time, and at all times hereafter, to discover, search, find out and view such remote, heathen and barbarous lands, countries and territories, not actually possessed of any Christian prince, nor inhabited by Christian people, as to him, his heires and assignes, and to every and any of them, shall seeme good, and the same to have, holde, occupie and enjoy, to him, his heires, and assignes forever," etc. In other clauses the title is granted in "fee simple," and jurisdiction over all "our subjects as shall at any time inhabite any such landes, countries, or territories aforesaide, or shall abide within 200 leagues of any of the saide place or places, where the said Sir Walter Raleigh, his heires or assignes, or any of them, or any of his or their associats or companies, shall inhabite within 6 yeeres next ensuing the date hereof."

All these stipulations are words of grant, and not of limitation, and were so construed and acted on. It is well known that Sir Walter Raleigh did plant colonies within the "6 yeeres," and planted them on lands which he did not make any pretensions to claim by discovery.

It is remarkable that the word America does not occur in the patents of either Gilbert or Raleigh. Large portions of America are unmistakably included without being named. In fact, the attention of both Raleigh and the queen was turned almost exclusively to America. Raleigh promptly sent an expedition under Amidas and Barlow, which landed near Roanoke Island, July 4, 1584 (old style), and after exploring the coast, returned to England in September. Upon Raleigh's report of this expedition the queen gave the name Virginia to all her American possessions. Tennessee was embraced in the country thus named Virginia.

December 14, 1584, Raleigh's patent, and the proceedings under it were considered by the House of Commons. December

18 they are approved, with a proviso attached, and December 19 came before the House of Lords.

Another provision of Raleigh's patent should be noted. Queen Elizabeth prohibits him, under penalties, from encroaching on lands "possessed of any Christian prince." At that time England made no claim to the country south of the mouth of Cape Fear river, which marked the southern terminus of Cabot's voyage. The country from that point to the Florida line was conceded to France by all parties except Spain, in consequence of the explorations of Verrazani, in 1524. Queen Elizabeth, therefore, prohibited Raleigh from encroaching on this territory. A few years later the southern boundary of the English claim was more accurately defined by Elizabeth's successor. James I. established as the southern boundary, the 34th parallel, which passes near the mouth of Cape Fear river.

Sir Walter Raleigh's settlements did not prove to be permanent. March 7, 1589, he assigned his patent to Sir Thomas Smith and a company of London merchants. In 1606 James I. issued what is commonly called the First Charter of Virginia, in which, for the first time, the grants of the crown were defined by geographical boundaries, and parallels of latitude were used to designate boundary lines. The whole of English America was designated Virginia, and was divided between two companies. The grant to the London company extended between 34 and 40 degrees of north latitude, with certain conditions attached north of the 38th parallel.

On page 32 of the history there is an inadvertent error which Mr. Wilson does not cite, and which will be corrected in the next edition. The words "between the 33d and 40th parallels" will be corrected to show that the grant to Raleigh extended from the 34th parallel northward.

In 1609 James I. issued his second charter, not changing the southern boundary line of Virginia, but describing it differently. The third charter of Virginia, and all others, include Tennessee within the limits of Virginia until the charter to Clarendon, Albemarle, and the other lords proprietors. This charter was issued March 24, 1663, and cut off from Virginia all the territory south of parallel 36 degrees, and at the same time extended the southern limit of Carolina to parallel 31 degrees. This was

the first act of England asserting jurisdiction south of the 34th parallel.

This charter was issued by Charles II., and designates Clarendon, Albemarle, and others, as "Lords Proprietors," and names the country "Carolina." Notwithstanding the statement of Mr. Wilson that the authors have ignored this grant, the reader who will take the trouble to investigate, will find that it is mentioned twice in the text, pages 14 and 44, and that pupils and teachers are directed by a footnote on page 44 to Poore's Charters and Constitutions, where it is given in full.

In 1665 Charles II. issued a second charter, which is supplemental to the first, and is sometimes spoken of as the "Clarendon and Albemarle grant." It is, in fact, only an extension of his former grant to the same proprietors. It extends the northern boundary to 36 degrees 30 minutes of north latitude, and also extends the southern boundary.

These charters and grants are discussed at some length in a paper entitled "The Northern Boundary of Tennessee." This paper was written by one of the authors of this history, and was read before the Tennessee Historical Society, March 18, 1884. It was published by the society in pamphlet form, and has been recently republished in the American Historical Magazine, January number, 1901. This pamphlet was used by the lawyers in the case of Virginia vs. Tennessee, and was considered by them to be accurate and valuable.

In this pamphlet the author quotes from Col. Byrd's History of the Dividing Line, the following explanation of how the second charter of Carolina came to be obtained:

"Sir William Berkeley, who was one of the grantees, and at that time Governor of Virginia, finding a territory of thirty-one miles in breadth between the inhabited parts of Virginia and the above mentioned boundary of Carolina, advised the Lord Clarendon of it, and his lordship had interest enough with the king to obtain a second patent to include it."

The charters and the interesting questions connected with them may be discussed at length in historical pamphlets, but the limitations of a school history forbid such license. The authors, therefore, in accordance with the general plan of their work, the only plan suited to a schoolbook, made only succinct statements with regard to the early colonial grants, and used

footnotes to refer pupils and teacher to the sources of information.

It thus appears that Tennessee became a part of Virginia in 1584 by the act of Queen Elizabeth, giving that name to all her American possessions, in which Tennessee was included; that Tennessee continued to be a part of Virginia under all charters and grants until 1663; that the charter of 1663, supplemented two years later by the charter of 1665, made Tennessee a part of Carolina. Charles II. and other English kings claimed, as one of their royal prerogatives, the right to cancel or amend former charters of the crown. This prerogative was exercised towards Virginia, not only in the case of Carolina, but in other capricious grants of the crown. Virginia resisted the invasion of her rights during her entire colonial life, but without avail. When she became a State, however, stirred by sentiments of patriotism, she incorporated the following provision in her bill of rights:

"The territory contained within the charters erecting the colonies of Maryland, Pennsylvania, North and South Carolina, is hereby ceded and confirmed to those States forever."

Judge Haywood remarks on this point: "Here was magnanimously cut off and surrendered all the territory which had been taken from Virginia to satisfy the grants of the lords proprietors."

This action of Virginia is recognized and eulogized by the Supreme Court of the United States in the opinion of the court, rendered April 3, 1893, in the case of Virginia vs. Tennessee. In delivering the opinion of the court, Justice Field makes an extended historical review of the various English grants and charters, and thus alludes to the action of Virginia: "The State of Virginia, in a general convention, with that generous public spirit which on all occasions since has characterized her conduct in the disposition of her claims to territory under different charters from the English government, had declared," etc. Justice Field then recites the above quoted provision from the Virginia bill of rights.

ARTICLE IV.

Mr. Wilson quotes, from the history, the incident of the rescue of "Bonnie Katie Sherrill," by John Sevier, at the siege of Fort Watauga. He introduces the quotation by styling it a "fiction,"

and follows the quotation with a disquisition on fictions. He says: "As a fiction the George Washington cherry tree tale, and the Pocahontas and Capt. Smith tales are insignificant in comparison with this."

I shall not discuss with Mr. Wilson the merits of the venerable and beautiful traditions which he is pleased to style "tales." As to the Pocahontas incident, I refer him to such able and careful historians as John Fiske, William Wirt Henry, and others who have demonstrated its truth.

Mr. Wilson refers to the rescue of Kate Sherrill by Sevier, as follows: "This fiction, however interesting, should not have been published as facts to mislead the minds of the children."

In the first place, the rescue of "Bonnie Katie Sherrill" is not "a fiction." In the second place, it does not "mislead the minds of the children."

In support of his peremptory and repeated assertions, Mr. Wilson offers no argument or evidence except to show that Ramsey relates the charge made by the Indians on the women while engaged in milking the cows on the morning of the attack at Fort Watauga, and does not mention the rescue of "Bonnie Katie Sherrill."

From this he draws the following inference: "Ramsey, who was the eulogist of John Sevier, would have told more in relation to this matter had there been anything more of importance to be told." This is a *non sequitur*. The simple fact is, that there was "more of importance to be told," but Ramsey did not tell it. It is not incumbent on me to explain why he did not tell it, and I do not know why.

Let us examine the testimony of those who did tell it. Mr. Wilson has himself mentioned some of the testimony. He mentions the statements of Ramsey as to the attack on the women while milking the cows. He quotes the statement of Dr. Draper, but does not tell where Dr. Draper got his information. He then discredits his own witness, as follows: "Dr. Draper probably added a little coloring, and is substantially followed by Roosevelt."

Dr. Draper added no coloring, but told the story almost in the words in which he received it from "Bonnie Katie Sherrill's" son, as shown below. Mr. Wilson then alludes to the testimony

of Roosevelt, and the Rear Guard of the Revolution, which latter he proceeds to berate, etc.

Extracts are given below from various historians. The limitations of space prevent quotations in full.

Putnam, in his history of Middle Tennessee, says, page 52, in connection with the siege of Watauga: "It was at this time and place that Capt. Sevier received in his arms, as she fled from pursuing savages, Miss Catherine Sherrill, who subsequently became his wife."

Roosevelt says: "She sprang up so as to catch the top with her hands, and, drawing herself over, was caught in Sevier's arms on the other side; through a loop-hole he had already shot the headmost of her pursuers."

Gilmore says, in the Rear Guard of the Revolution: "Sevier sends at least one of her pursuers to the happy hunting grounds . . . but, with one bound, she reaches the top, and then clambers over, and falls into the arms of John Sevier, who is waiting to receive her."

Draper, Putnam, and Roosevelt are among the most reliable authors who have written on Tennessee history. They have accepted the tradition of the rescue of "Bonnie Katie Sherrill," and have incorporated it in their works as true history, without condition or reservation. None of them state their sources of information. They did not copy, one from another, because their accounts differ in the details, but all agree in the essential features. This shows the tradition to be widespread, and derived from different sources. Such is the case with all reliable tradition, and is an evidence of its truth.

It happens, however, that in the case of Dr. Draper the authenticity of his account can be traced. When preparing his valuable work on King's Mountain, he visited Tennessee, conversed with a few surviving pioneers, and with many of their descendants, collected a mass of old manuscripts and documents, and induced many persons who were acquainted with important events to write out their personal recollections.

Col. G. W. Sevier, who was the son of John Sevier and "Bonnie Katie Sherrill," prepared for Dr. Draper a sketch of his father's life. The collections of Dr. Draper are now preserved in the State library of Wisconsin. Among the papers is the manuscript of Col. G. W. Sevier's sketch of his father's life. A

copy of this was obtained by Dr. E. E. Hoss, who is also a descendant of John Sevier. This copy is now before me.

Col. Sevier thus relates the rescue of his mother: "When the first Cherokee war broke out in 1776 it found John Sevier fortified in the Watauga Fort. On one occasion—perhaps the siege—when the women were out milking one morning, the Indians fired upon them; the women ran for the fort, the gate was, in the alarm, shut before a young girl, Miss Catherine Sherrill (whom Sevier afterwards married for his second wife) ran for the fort, threw over her hat, and then herself clambered over the picketing and got in safe."

A comparison of the above with Dr. Draper's statement will show that Dr. Draper faithfully followed Col. Sevier's account. This statement of Col. Sevier was fortunately committed to writing, and preserved. It is not so easy to trace the sources from which other historians obtained their information.

Putnam was twice married. His wives were sisters, and granddaughters of Sevier and "Bonnie Kate." He had opportunities to procure information. Roosevelt and Gilmore both visited Tennessee, and made extensive researches in the preparation of their books. At the time of their visits there was much reliable information within reach; some in old manuscripts and some in the personal recollection of survivors. The fact that some reliable information, even yet, exists in the memories of men still living is attested by the following extract from a letter of our distinguished fellow-citizen, Col. A. S. Colyar.

After alluding to his last meeting with Mrs. John Sevier (Bonnie Kate), in 1836, when she was about to move to Alabama, Col. Colyar says:

"My grandfather, George Sherrill, who was a brother of 'Bonnie Kate,' lived till I was eighteen, and as a boy, I spent a great deal of time at his house. My mother lived till I was thirty-five. She had lived, when a girl, with her aunt (Bonnie Kate), and the story of the rescue by Sevier, as she climbed the wall, jumping into the fort, was as common as that the fort was the place of safety, and defended by Sevier. Shortly after this, and a short time before King's Mountain campaign, Sevier and Bonnie Kate were married. My grandfather, a mere boy, was with Sevier at King's Mountain, and the whole story of

King's Mountain, the marriage, the rescue, were subjects that the family never tired of talking about."

Surely the authors are justified in relating the incident, when sustained by such evidence, and Mr. Wilson cannot refute it by simply refusing to accept it. The reader is requested to refer to pages 60 and 61 of the history. The recital of the rescue closes with the remark: "So says trustworthy tradition." Shall "trustworthy tradition" be excluded from history? The reader will find nothing in this incident to "mislead the minds of the children," but much to instruct their minds and inspire noble sentiments.

The authors have related not only this tradition which Mr. Wilson condemns, but other traditions. They have done this with deliberate purpose, because they believe that such traditions are instructive and elevating to the minds of the young. This course is pursued in accordance with the principle announced on page 6 of their preface: "It is not enough that the children of the State should learn the events of this period when their fathers acted, in the obscurity of the wilderness, parts fit to adorn the theater of the world. They should be electrified with the spirit of their ancestors. They should be taught to comprehend the character and aspirations of these pioneer heroes—these heroes, all unconscious of their own grandeur, invested with none of the attributes which make ancient heroes ludicrous, but simply a noble type of manhood equal to any human emergency, and developed into greatness by their romantic environments."

The early traditions of a great people are memories from the childhood of their State around which their most affectionate associations cluster. They are emanations from the popular heart. They are from the people, and of the people. They form the truest index to the people's character and aspirations. Popular traditions are the incidents of a nation's history which survive in the memories of the people because they accord with the thoughts, sentiments and emotions of the people. They are told to their children around the fireside, and take deep root in the popular heart. In this popular circulation the details assume a variety of forms, because they are related by many different narrators; the essential features remain the same, because these features are ineffaceably impressed on the hearts and memories

of all. They are to history what the *lex non scripta* is to the law, and the historian can no more ignore the one than the lawyer can ignore the other. The historian who would suppress the cherished traditions of a great and generous people would do violence to their sentiments and be unworthy to write their history.

ARTICLE V.

Mr. Wilson reiterates an objection brought over from his first article of December 9. Having answered this objection in a former communication, I pass to the seven new points of criticism which he states in the article under consideration.

In all these points Mr. Wilson is in error, except possibly in one minor point, about which there is room for difference of opinion, and, which, perhaps, can never be decided with absolute certainty.

This article will be devoted to the discussion of his first point, the only point which requires extended treatment. The remaining points will be considered more briefly in a future article.

The authors stated in their history that Washington county, as erected in 1777, was coextensive with the present State of Tennessee. Mr. Wilson controverts this position, and very emphatically states his own theory. He says: "The educators of the State are directed to the error on page 64 of this book, an error which is followed up and emphasized in other portions of the book." After quoting from the authors, he continues: "The inference that the lines of Washington county, as originally laid off, and of the present State of Tennessee, are the same, is a mistake." He then quotes from Scott's Revisal the description of the boundary lines of Washington county and of the territory ceded to the United States, as given, respectively, in the acts of 1777 and of 1789.

He then comments as follows: "It will be plainly seen that these two lines are not the same. The first makes the Blue Ridge the line, and gives to Washington county all of Buncombe, Madison, Wayne, and several other counties. It follows the Blue Ridge to the South Carolina line, which it follows to a considerable distance, and to the State line."

He then proceeds to include previous historians in the "great

error" of which he accuses the authors, as follows: "It is strange that this difference has not heretofore been more particularly noted. Greene county, when formed, stretched far into what is still North Carolina, and many grants for land there are registered in Greeneville. This great error should be corrected in future histories, and it should be shown that the cession act of 1789 divided both Washington and Greene counties."

In all this Mr. Wilson is mistaken, as demonstrated below. A casual glance at his statement may mislead the reader to infer that his position is tenable, but a careful examination reveals his errors. 1. The two acts of North Carolina do not designate different lines, but merely employ different words to describe the same line, and that line was the eastern boundary of Washington county, and is now the eastern boundary of Tennessee. 2. The Blue Ridge mountains were not the eastern boundary of Washington county, but the Allegheny mountains formed that eastern boundary. the different parts of this chain of mountains being known by various local names. 3. Washington and Greene counties were not divided by the cession act of 1789, and neither of these counties ever extended east of the Allegheny mountains. 4. Washington county did touch South Carolina throughout the entire extent of its southern boundary, but did not touch that State at any point east of the present limits of Tennessee.

Before discussing the matter further, I quote below such descriptions of boundary lines as may be material to the discussion:

1. The boundaries of Washington county, from chapter 31 of the acts of 1777: "Beginning at the most northwesterly part of the county of Wilkes, on the Virginia line; thence, running with the line of Wilkes county to a point thirty-six miles south of the Virginia line; thence due west to the ridge of the Great Iron Mountains," etc.; "thence running a southwesterly course along the said ridge of the Unicoi Mountains, where the trading path crosses the same from the valley to the Overhills; thence south with the line of this State adjoining the State of South Carolina; thence due west to the great Mississippi," etc.

2. The boundaries as set forth in the cession act of 1784 were not quoted by Mr. Wilson, but they should be considered in

this connection. They are here quoted from the acts of 1784, chapter 11:

"All right, title and claim which this State has to the lands west of the Apalachian or Allegheny Mountains, beginning at the Virginia line where the said line intersects the extreme height of the said mountains; then, with the said mountain to the thirty-fifth degree of north latitude, being the southern boundary, thence running in the said thirty-fifth degree to the Mississippi," etc.

3. The boundaries, as provided by the cession act of 1789, are so well known that they need not be quoted in full, except the beginning and ending:

"Beginning at the extreme height of Stone Mountain at the place where the Virginia line intersects it, running thence along the extreme height of said mountain to the place where Watauga river breaks through," etc. The course of the boundary is then described to the "Unicoy or Unaka Mountain;" "thence, along the main ridge of said mountain to the southern boundary of the State."

Let us now interpret the meaning of the above descriptions in the light of the history of North Carolina and the testimony of her laws. It clearly appears from an examination of the various acts erecting the early counties of North Carolina, that the State had established no county organization west of the Blue Ridge Mountains previous to 1776.

In that year the Watauga settlers submitted a petition to the legislature, which is thus headed: "The humble petition of the inhabitants of Washington district, including the River Wataugah, Nonachuckie," etc. The name "Washington district" was assumed by the settlers. The country which it purported to designate was undefined in extent and boundary, and no such district had been established by the laws of North Carolina. Yet, the legislature gave it a *quasi* recognition by admitting its delegates, but passed no law to establish such a district or to define its limits. This first "Washington district" must not be confused with the judicial district erected in 1784, and named "Washington district."

So far as the "Washington district" of 1776-'77 had any legal existence or definite boundaries, they are set forth in the petition of the western settlers, previously mentioned. In this

petition they represent themselves as "including the Wataugah river, Nonachuckie," etc., and set forth their purchase of lands from the Indians and their treaties with the Indians. The deed for the Watauga purchase, dated March 19, 1775, shows that the lands obtained under that treaty extended eastward to the Blue Ridge Mountains. It thus reached to the western boundary of Surry county. The deed to the Brown purchase shows that this purchase did not extend to the Blue Ridge, but was limited on the east to the Allegheny Mountains.

In 1777 Washington district, although undefined by law either in extent or organization, received a second *quasi* recognition from the State. At the first session of the legislature Burke county was erected. This county was cut off from Rowan. A portion of the act describing the dividing line is quoted below: Running westwardly along the ridge dividing the Catawba and the Yadkin "to the mountain which divides the eastern and western waters, commonly known by the name of Blue Mountain." This action was preliminary to the action taken at the next session, largely increasing the western limits of Burke county and extending the county organizations of North Carolina to the Mississippi river.

At the second session of 1777 the next step was taken by erecting the two new counties of Wilkes and Washington. The two acts erecting these counties are numbered, respectively, chapter 31 and chapter 32. The whole framework shows them to be enacted with reference to each other.

Chapter 32 has the following caption: "An act for erecting part of the county of Surry and part of the district of Washington into a separate and distinct county by the name of Wilkes." The act provides that the northern boundary of Wilkes county shall run westward along the Virginia line "to the ridge that divides the waters of Holstein and New rivers; thence, along the said ridge to the Burke county line; thence, eastwardly along the line that divides the counties of Surry and Burke," etc.

Chapter 31 erects Washington county, and prescribes the boundaries previously quoted. Mr. Wilson, in his criticism, quoted these boundaries, but he did not quote section 2 of the same act, which reads as follows: "That all that part of this State lying west of Rowan county and south of the county of

and the other persons involved in the history of the language. The first of these is the fact that the language is not a single, unified system, but a collection of many different systems, each of which has its own history and its own development. This is the case because the language is not a single, unified system, but a collection of many different systems, each of which has its own history and its own development. This is the case because the language is not a single, unified system, but a collection of many different systems, each of which has its own history and its own development.

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Washington shall be, and is hereby declared to be, a part of the county of Burke."

The reader is requested to get a good map and follow these descriptions of the boundary lines as given in the several acts of North Carolina. He will be forced to the following conclusions:

1. The "most northwesterly part of Wilkes, on the Virginia line," as given in the act of 1777; the point where the Virginia line intersects the extreme height of the "Appalachian or Alleghany Mountains," as given in the act of 1784; and the point, "beginning at the extreme height of Stone Mountain, where the Virginia line intersects it," as given in the act of 1789, are only three different modes of designating the same point. This conclusion becomes irresistible if the reader will trace the history of Wilkes county from its organization in 1777 to 1799, when Ashe county was cut off from it with the northern and western boundaries unchanged. The western boundary was originally designated to begin at the point where the Virginia line intersects the ridge that divides the waters of the Holston and New rivers. This ridge can be no other than the Alleghany ridge. The point where this ridge is intersected by the Virginia line can be no other than the point described in the two cession acts. It is one mile south of the present northeast corner of Tennessee on White Top Mountain. By the compromise made with Virginia in 1803 the disputed boundary line between these two States was established one mile north of the Walker line, which was considered in 1777 and 1789 to be the boundary line between Virginia and North Carolina.

2. The line of Washington county ran from the beginning point thirty-six miles along the crest of the Allegheny mountains. It is described as following the line of Wilkes county. The act creating Wilkes county describes its western boundary as running along the ridge that divides the waters of "Holston and New Rivers." This can mean no other than the Allegheny range. Besides, this line still exists as the western boundary, formerly of Wilkes and now of Ashe. This line has never been changed, as attested by the laws of North Carolina.

3. The act creating Washington county, as quoted above, designates that the line, from the point where it leaves the southwestern corner of Wilkes (now Ashe) shall run due west, then

southwest, and prescribes through its whole extent a general southwesterly direction. How, then, could it ever reach the Blue Ridge mountains, which lie to the east?

4. Unless the second section of the act creating Washington county was intended as a joke on Burke county, the whole act must be so construed as to leave some unassigned territory "lying west of Rowan county and south of the county of Washington." The act provides that such unassigned territory "shall be, and is hereby declared to be, a part of the county of Burke." Look at the map and satisfy yourself whether any unassigned territory would lie either south of Washington or west of Rowan, unless the Washington county line deflected to the west or the southwest. If it ran along the Blue Ridge mountains the course would be nearly due south, and it would be an improper description to designate land as lying south of that line. Besides, it would immediately adjoin the western boundary of Burke and other counties, and would leave no unassigned territory to be added to Burke. It was not, however, the intention of the legislators to perpetrate a joke. They described the boundary of Washington county to run along the Alleghany chain, and thus a large area was left and added to Burke county.

5. The act provides that the line of Washington county shall run along the ridges of the Great Iron mountain and the Unicoi mountain. These mountains are parts of the Alleghany chain, and not of the Blue Ridge chain. They locate the line with certainty.

6. Greene county did not, as Mr. Wilson alleges, stretch "far into what is now North Carolina." It may be true, as he states, that many grants for land in what is now North Carolina are registered in Greeneville. Some special arrangements for such registration may have been made, to afford facilities for the early settlers. On this point I am not informed. It is certain, however, that not one foot of territory east of the Alleghany chain was ever included in Greene county by any law of North Carolina. The act of 1783, creating Greene county, prescribes the following boundaries: "Beginning at William William's in the Fork of Horse creek, at the foot of the Iron mountain, thence a direct course to George Gillespie's house; at or near the mouth of Big Limestone, thence a north course to the line which divides the counties of Washington and Sullivan, thence with the said

line to the Chimney Top Mountain, thence a direct course to the mouth of Cloud's creek, in the Holstein river; and all that part of Washington county westward of the said line from and after the passing of this act shall be, and is, hereby declared to be a distinct county by the name of Greene." In the territory thus formed into Greene county there is not a point designated east of the Alleghany mountains. The same is true of Sullivan county. These provisions would have been very different had Washington county extended to the Blue Ridge.

7. The argument on which Mr. Wilson seems mainly to rely is based upon a clause of the act of 1777, which reads as follows: "Thence south with the line of this State, adjoining the State of South Carolina, thence due west to the Mississippi." From this he infers that Washington county touched the present State of South Carolina, which Tennessee does not do, "but leaves many miles between."

In all this Mr. Wilson has been misled by confusing the present boundaries of South Carolina with its boundaries in 1777. At the time when Washington county was formed, South Carolina extended from the Atlantic ocean to the Mississippi river. In 1789, however, the cession act could not adopt the same description for the southern boundary of the State which had been used in 1777, and could not designate it as the boundary between this State and South Carolina. The reason was that South Carolina had, three years before, ceded her western territory to the United States.

In 1785 South Carolina instituted suit against Georgia, before Congress, under the ninth article of the confederation. The suit was compromised. South Carolina ceded to Georgia all her claim to lands lying west of her present limits except a narrow strip twelve miles wide and more than four hundred miles long, lying south of North Carolina and extending to the Mississippi river. In 1786 she ceded this strip to the United States.

It thus appears that Washington county in 1777 bordered on South Carolina from the Alleghany mountains to the Mississippi river. The description in the act of 1777, therefore, should not be construed to mean that Washington county extended to the Blue Ridge mountains and touched the present State of South Carolina.

The South Carolina cession possessed features of interest

which have been discussed at some length in a paper read before the Tennessee Historical Society November 8, 1881, by one of the authors of the book under discussion. The paper has since been published by the society in pamphlet form.

ARTICLE VI.

Mr. Wilson quotes from page 85 of Garrett and Goodpasture's History of Tennessee the following extract relative to the battle of King's Mountain: "The remarkable spectacle was presented of an inferior force surrounding a superior force and pressing it to destruction." He controverts this statement, and says: "Now, the best authorities do not show that the British force was a superior force," etc. In this he is mistaken.

The best authority is the report of the American officers in command. This report, which may be found in Ramsey's Annals, pp. 243-245, gives the American force as 900 men, and the total British force as 1,125 men. The force of the British was taken from their provision return on the morning of October 7, 1780, the day of the battle. The report then gives a detailed statement of the British losses. As the Americans captured the entire British army, except a very few who escaped, there is no reason why the report should not be accurate. They had only to count the killed, wounded and prisoners of the British regulars, and of the Tories separately, making a total of 1,105. This report is signed by William Campbell, Isaac Shelby and Benjamin Cleveland.

Mr. Wilson, in reference to other points, has insisted that the official reports of commanding officers furnish the best evidence. He should, therefore, accept this report. He prefers, however, to adduce the testimony of Lieut. Allaire, an officer in the British regular army. The diary of Lieut. Allaire, and also a newspaper article which he wrote, and which was published in Rivington's Royal Gazette, February 24, 1781, are given in full in Draper's "King's Mountain." The statements of Allaire are inaccurate and self-contradictory, as shown on their face. He says that the Americans numbered 2,500, commanded by General Williams. He says: "Maj. Ferguson had 800 men. . . . Our poor little detachment (the regulars), which had only seventy men when we marched to the field of ac-

which have been observed in some cases in a single year and in the same place. The same is true of the other cases in which the same thing has been observed in the same place in the same year.

CHAPTER II

The first part of the book is devoted to a description of the various forms of the earth's surface, and to a discussion of the causes which have produced them. The second part is devoted to a description of the various forms of the earth's interior, and to a discussion of the causes which have produced them. The third part is devoted to a description of the various forms of the earth's atmosphere, and to a discussion of the causes which have produced them.

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tion, were all killed and wounded but twenty." He then enumerates the killed, wounded, and prisoners, making a total of 116 regulars and 790 militia, amounting to 906. In his newspaper article he says: "Col. Ferguson had under his command 800 militia and our detachment, at that time reduced to one hundred men." According to Allaire's conflicting statements, then, the British force was not less than 900 men. These statements are the apology of a British officer, and are in no sense an official report. This is the lowest estimate made by any person of the British force. Roosevelt clearly points out the inconsistencies of Allaire's statements and shows that the British force was greater than 900.

The best authorities, Roosevelt among the number, place the American mounted force, which reached King's Mountain, at 910, with less than fifty footmen who followed on, and probably reached the field before the close of the battle. There is no positive evidence, however, that this small body of footmen took part in the battle.

There are two accounts of the battle, written by participants, which are preserved in manuscript in the Tennessee Historical Society, and have been published in the AMERICAN HISTORICAL MAGAZINE. One of these is a paper by Rev. Stephen Foster, formerly a professor in the University of Tennessee and president of the first historical society in Tennessee, which was established at Knoxville in 1831. In this paper Dr. Foster says: "The loss of the enemy was 225 killed, 130 wounded, 700 prisoners." This would make the total British loss 1,055. Roosevelt shows that a few of the British escaped. This number should be added to make up the total British force. Dr. Foster further says: "About 700 men achieved this victory." He then explains that the total American force was about 1,140 men, of which about 400 were left behind. The other paper was written by Ensign Robert Campbell. He concurs in the statement that the victory was achieved by about 700 men. He places the British loss at 1,110 men.

While the official report and the weight of testimony seem to indicate that about 900 mounted men reached the base of King's mountain, yet there is an important consideration which must not be overlooked, and which confirms the statements of Dr. Foster and Ensign Campbell.

The horses were left at the foot of the mountain, while the dismounted men ascended the mountain sides and fought the battle. The military rule now in practice assigns every fourth man to hold horses. If this rule were observed, 683 men would be left to climb the mountain and engage in the fight. While there is no testimony to show what provision was made for the care of the horses, yet we cannot avoid the conclusion that some guard was left over them, especially as strong fears were entertained that Tarleton, or some other reinforcement, was on the march to aid Ferguson. In addition to this, military leaders of such ability and experience as those who commanded the American forces surely would not fail to send out detached parties of horsemen to guard the roads and scour the country, to provide against surprise from Ferguson's expected reinforcements. It is, therefore, certain that the number of men who climbed the mountain and formed in line to surround Ferguson was considerably less than 900.

Mr. Wilson continues his attack on the authors by criticizing their account of the expedition against the Cherokees in 1780-81, and especially the account of the battle of Boyd's creek, as given on pages 86-87. He pronounces their statements erroneous, and censures them for following Ramsey. He then sets forth his own views with a positiveness of expression which would seem to indicate that he had personal knowledge of the matter. So far as he gives any authority for his statements, he bases them on Roosevelt's assertions and says: "Roosevelt gives Col. Campbell's official report, which contradicts Ramsey on these matters, and cannot be disregarded."

He is mistaken in stating that Roosevelt gives Col. Campbell's official report. Roosevelt alludes to Campbell's report, and cites it as authority for his own statements, but he does not quote it, except a few short extracts.

It is unnecessary to discuss Mr. Wilson's criticisms in detail. In preparing their work the authors examined every available authority. They came to the deliberate conclusion that Haywood and Ramsey were the safest guides, and therefore followed them. Mr. Roosevelt is the most philosophical historian who has treated of Tennessee history, and the State owes him a debt of gratitude for the admirable manner in which he has presented the early history of her pioneers. He has painted the early con-

ditions in Tennessee not only with candor and vigor and sympathy, but has attracted to them the attention of all sections of the United States in a way that would not have been accorded to the efforts of a native writer.

Of the events of the pioneer life, however, he knows nothing but what he has gathered from his researches. These researches were too hasty, at times, to lead him to correct conclusions. On these matters he lacked the opportunities, and consequently was not as well informed as either Ramsey or Haywood. In his account of the expedition against the Cherokees in 1780-81 he discards all testimony except Col. Arthur Campbell's official report, whose testimony he himself discredits, as follows: "Campbell's whole report shows jealousy of Sevier, whom he probably knew well enough to be a man of superior ability to himself; but such jealousy appears only in the coloring. He does not change any material fact," etc. In another note, he says: "All the Tennessee historians down to Phelan are hopelessly in the dark over this campaign. . . . Unless there is some documentary evidence in favor of the assertions of Haywood and Ramsey, they cannot be for a moment taken against the explicit declaration of the official report." He alludes to Haywood and Ramsey as relying on traditions.

In this Mr. Roosevelt does not show his usual good judgment, nor his usual patient research. Haywood and Ramsey are both candid and reliable historians, not to be hastily waived aside in this summary fashion. If they did frame their accounts upon the statements of the pioneers who were participants in the expedition, these pioneers were brave and honest men, and their statements are entitled to more credit than either Mr. Roosevelt or Mr. Wilson has accorded to them. But Mr. Roosevelt did not know upon what testimony Haywood and Ramsey based their accounts, and because he did not know, he hastily discarded their evidence.

Dr. Ramsey had sources of information which were not accessible to any other writer. He was intimately acquainted with many of those who were actors in the scenes which he describes, and who contributed to him not only their own recollections, but also many valuable papers. Much of his information was derived from his father, who was John Sevier's friend and secretary. Unfortunately, Dr. Ramsey failed to cite, in many in-

stances, the authority for his statements, and his great accumulation of historical material was consumed in the burning of his residence.

His well-known accuracy and veracity are sufficient evidence that any positive statement from his pen was not made at random, but was based on evidence which he considered sufficient. Yet it would have been better had he always cited his sources of information. Since his death and the destruction of his papers, it is difficult to cite the evidence on which he based some of his statements. Yet he is not left without written corroboration. Maj. James Sevier has left on record a sketch of his father's life; a copy of which is preserved in manuscript in the Tennessee Historical Society, and has been published in the *AMERICAN HISTORICAL MAGAZINE*. Maj. Sevier's account of this campaign, in which he personally served, is brief. It sustains Ramsey as to the battle of Boyd's creek, stating the number of Indians to be "five or six hundred," and the number killed about thirty. He mentions the expedition against the "Indian towns," but does not state what towns, or how far south the expedition extended.

Col. G. W. Sevier also left on record a sketch of his father's life, which is preserved in manuscript in the State library of Wisconsin. His statements are similar to those of Maj. James Sevier, with reference to Boyd's creek. He states that twenty-eight Indians were killed, but does not allude to the numbers engaged in the battle, and makes no allusion to the further progress of the campaign.

It does not seem that Col. John Sevier made any written report of the battle of Boyd's creek. The objection to relying on the report of Col. Arthur Campbell is the fact that Col. Campbell was not in command at the battle, and was not present when it was fought. Maj. James Sevier says it was nearly two weeks after the battle before he arrived. Roosevelt says that the battle was fought December 16, and Campbell arrived on the 22d. Col. Campbell's report was made to the governor of Virginia, and incidentally recounts the condition of affairs which he found upon his arrival. He had no authority to make an official report of the battle of Boyd's creek, which had been fought by Sevier a week or more before he arrived or assumed command. He could know nothing about the matter except what he learned

after his arrival. There is no evidence that Sevier made any report to him. He was not in a position to give testimony of his own knowledge.

The authors have, therefore, thought it safest to follow the accounts of Ramsey and Haywood, corroborated by the two Seviers, as to Boyd's creek. It is proper, however, to say that they have found no evidence to corroborate the statements of Haywood and Ramsey that the expedition extended to the cypress swamps or the Chickamauga towns. Yet, while they found no corroboration, they do not believe that these conservative historians have made reckless statements.

Mr. Wilson next criticizes the authors for inserting in their book, on page 93, the picture of the old house in Greeneville which was exhibited at the Tennessee Centennial as the old capitol of Franklin. He pronounces this a "fake." The authors offer no argument on this point, for the reason that they have no positive knowledge on the subject, and have so stated in their book. The picture is entitled "An Old House at Greeneville, Supposed to Have Been the Capitol of the State of Franklin." They state in the text that this building was exhibited at the Centennial as the former capitol of Franklin. Mr. Wilson will not deny this. The authors cite the authority of Col. John Allison in his "Dropped Stitches," and state that the fact has been challenged "as resting on no testimony that can be adduced." They recite the same facts, which Mr. Wilson cites in his criticism, as to Ramsey's statements about the courthouse, and conclude as follows: "In the absence of positive evidence, we may trust the old tradition, and believe that it was in some manner used by the State of Franklin. . . . Whether this particular building or some other of similar structure was used as the capitol in this primitive period, its real ornaments cannot be shown in a picture." The authors further comment, as follows: "Nothing that could be written could convey to us so vivid an idea of the condition of the times as the study of this old building, which has come down to the present as a monument of the past. . . . It had been fifteen years since the first cabin had been erected by William Been. In that short space of time a stream of population had poured in; law and order had been secured; two famous constitutions had been established—the Watauga Association and the Cumberland Compact; dwellings

had been constructed from the resources of the wilderness; agriculture, primitive manufactures, and other appliances of civilization were rapidly developing; roads and other internal improvements were in progress. Our ancestors were well aware of the great resources in their possession, and they were using energetic means to convert these resources into wealth, and to prepare for their old age and for their posterity the comforts and appliances of civilization; but the elegance and luxury of accumulated capital was not yet within their reach."

The authors think that no further reply is necessary than that furnished by the above quoted extracts to demonstrate the accuracy of their statements and the value of the lesson taught by this old picture.

ARTICLE VII.

In writing his criticisms on Garrett and Goodpasture's History of Tennessee, Mr. Wilson would have been saved from many of the errors into which he has fallen if he had taken the trouble to refer to the authors' foot-notes, citing the authority for their statements.

In his article No. 2, published in the *Journal and Tribune* December 16, 1900, he begins his criticism on the authors' account of the organization of the Southwest Territory, as follows: "The statement on page 106 of this book with reference to the Southwest Territory, and the assumption of the duties of governor by William Blount, that 'October 22 he performed his first official act as governor by laying off and organizing Washington county,' is, in part, incorrect. Governor Blount did organize the counties, as stated, by appointing the county officers, and for this purpose visited the counties in person, but he did not lay off the counties. Although parts of the territory, the counties as previously laid off by the Legislature of North Carolina were recognized as such and preserved in every respect as counties, and the county organizations were simply continued under the new officers appointed."

If the reader will consult the authorities cited in the history, and also enumerated below, no argument will be needed to refute Mr. Wilson's criticisms.

The highest authorities on the organization of the Southwest Territory are:

1. The cession act itself, and the act of Congress accepting the same. The cession act prescribes as a condition that "the said Congress shall assume the government of the said territory, which they shall execute in a manner similar to that which they support in the territory west of the Ohio." Certain other conditions and provisions were added. By an act approved April 2, 1790, Congress accepted the cession with its conditions and provisions.

2. By this act of Congress the ordinance of 1787, for the government of the Northwest Territory became the rule for the government of the Southwest Territory, except in certain specified provisions, and was so construed and acted under. This instrument provides for the appointment of a governor, a secretary, and three judges, the functions of each officer being prescribed. It was further provided that as soon as there should be five thousand free male inhabitants of full age the territory should be entitled to a Legislature.

Until the organization of the Legislature the governor was clothed with the following powers: To lay out counties, townships, criminal and civil divisions; to be commander-in-chief of the military; to appoint all military officers below the rank of general officers; "to appoint such magistrates and other civil officers in each county or township, as he may find necessary for the peace and good order of the same."

"The governor and judges, or a majority of them," were empowered to make laws under certain restrictions, and were, in fact, the legislative department. The secretary was required, among other things, to keep "the public records of the district and the proceedings of the governor in his executive department; and to transmit authentic copies of such acts and proceedings every six months to the secretary of Congress." After the organization of the United States government under the constitution, these provisions of the ordinance of 1787 were so construed as to require the secretary of the territory to transmit his report to the Secretary of State.

3. It remains to inquire in what manner these officers exercised their respective functions in organizing the Southwest Territory. Surely the reports of Gen. Daniel Smith, secretary of the territory, made every six months to the Secretary of State, must be considered the highest authority that can be adduced.

These reports were recorded by Gen. Smith, duly attested by his signature, in his official record book. This book is now in possession of the Tennessee Historical Society, in the handwriting of Gen. Smith, and laid in the archives for many years, covered with dust. It was published in the AMERICAN HISTORICAL MAGAZINE, April number, 1897, under its popular title, "Blount's Journal." It is an epitome of the history of the Southwest Territory.

The first report of Gen. Smith, as secretary, was made to Thomas Jefferson, Secretary of State, March 1, 1791. From it we learn all the proceedings of Gov. Blount in the first organization of the territory. The authors of Garrett and Goodpasture's History have followed it accurately, sometimes condensing the statements and frequently quoting the language.

The authors are not, therefore, "incorrect" either in whole or "in part" in stating that Gov. Blount "performed his first official act by laying off and organizing Washington county." They have followed almost the language of Gen. Smith's official report, and they are correct, unless the secretary of the territory made a false report to the Secretary of State.

The exact entry, as made by Secretary Smith, is as follows: "Friday, October 22, 1790. The governor laid out that tract of country heretofore distinguished and known by the name of Washington county in the State of North Carolina into a county to be in future distinguished and known by the name of Washington county in the territory of the United States of America, south of the river Ohio." The next day he summoned before him "the persons holding commissions in the county of Washington under the authority of the State of North Carolina." He recited to them the acts of cession and acceptance; the proclamation of Governor Martin, of North Carolina, abdicating jurisdiction; the ordinance of 1787, under which the territory was to be organized and governed, and exhibited his commission as governor, and the certificate of his qualification before Judge Iredell. He then addressed them as follows:

"From henceforth, gentlemen, all commissions issued under the authority of the State of North Carolina to any and every person in Washington county, either civil or military, are void and of no effect, and all and every person will cease to act under them. . . . You are informed, gentlemen, that the govern-

ment of this territory is to be administered by officers appointed by Congress or by the governor, under their authority." He then completed the organization of the county by appointing all the officers, from justice of the peace to constable. Some of the officers, being present, qualified by taking the oath of office before Judge Campbell.

He subsequently visited the other counties and "laid them out," and organized them in a similar manner. Similarly he "laid out" and organized the two judicial districts, Washington and Mero.

Mr. Wilson, then, cannot be justified in his positive assertion that Governor Blount "did not lay off the counties." He is equally in error when he asserts, as quoted above, that these counties, "as previously laid off by the Legislature of North Carolina, were recognized as such, and preserved in every respect as counties." The fact is, they were neither recognized "as such," nor preserved. They were originally "laid out" and organized, and soon afterwards were materially changed, by the sole authority and by the ordinance of Governor Blount.

June 11, 1792, he issued his ordinance changing the limits of Greene and Hawkins counties, and creating two new counties—Jefferson and Knox. From time to time he issued other ordinances, defining county lines, prescribing regulations for holding courts, etc.

He pursued towards the judicial districts the same policy that he pursued towards the counties. In the beginning of his administration he laid them out identical in name and extent with the districts previously established by North Carolina. But they were laid out entirely by his own authority, and existed by his authority, and not as continuations of North Carolina organizations. Had he chosen to make them different in the beginning, he had the power to do so. In a short time he did exercise that power, and changed them. March 13, 1793, he created the judicial district of Hamilton by his ordinance as governor, and by his sole authority. All this was done under his unquestioned prerogative, as defined in the ordinance of 1787, enacted by Congress.

Mr. Wilson next points out what he styles "a slight discrepancy" on page 108, in reference to the licensing of attorneys. The statement of the authors which Mr. Wilson censures, is

nearly a verbatim quotation, being condensed from the language of Blount's Journal, which is as follows:

"November 1, 1790.—Licensed Archibald Roan, Joseph Hamilton, Waighstill Avery and James Rees, esquires, to practice as attorneys in the several courts of law and equity, and Ephraim Dunlop, Alexander McGinty and John Rhea, in the several courts of pleas and quarter sessions only."

Nov. 22 is the entry: "Licensed John Rhea to practice as an attorney in the several courts of law and equity in the territory," etc.

In spite of the fact that the authors cited the above authority, by page reference, Mr. Wilson makes the following erroneous comment:

"Under the laws of North Carolina the governor did not grant licenses to attorneys, but these were granted by the judges of superior courts. It is not believed that this practice was varied in the Southwest Territory." It is needless to argue the point. We have shown above that the practice of North Carolina was varied in the Southwest Territory, and that the governor did license attorneys.

But Mr. Wilson continues: "At any rate, the statement is erroneous as it appears in relation to John Rhea, who was qualified as an attorney at the court of pleas and quarter sessions for Greene county, which commenced on the first Monday in November, 1790, and John Rhea was, as shown by the minutes, qualified on the first Wednesday of the term." It is not doubted that John Rhea qualified as stated by Mr. Wilson. But that does not prove that he was not licensed by the governor. Every person who received either commission or license from the governor doubtless qualified before the proper court by exhibiting the commission or license, and taking the required oath.

It may be proper here to remark that all the proceedings of Governor Blount in his executive capacity and in the exercise of his sole and separate prerogatives are uniformly designated in Secretary Smith's reports as "ordinances," and the proceedings of the governor and judges, acting as a council, or legislative body, are uniformly designated as "acts."

Mr. Wilson closes his article after the fashion of a complainant's bill in chancery, by a general and sweeping clause charg-

ing the authors with many other "mistakes, omissions," etc., not specified. In this general indictment he includes one charge which is specific enough to admit of reply. He says: "The establishment of the leading educational institutions of the early days, the establishment of the earliest churches, and the growth of the most prominent religious denominations, and many other matters more important than simply governmental details, should have formed a part of this school history."

The subjects enumerated by Mr. Wilson certainly should form part of a school history, and they certainly do form a part of Garrett and Goodpasture's History. The authors not only mention these subjects chronologically and separately in the narrative portions of their book, but they also treat all the subjects which Mr. Wilson has enumerated in distinct topical chapters. The reader who wishes to investigate the point is referred to the following pages of the book: 88, 89, 117, 118, 149, 150, 151, 152, 153, 154, 155, 160, 161, 246, 262, 263, 264, 265, 266, 267, 268, 269, 270, 272, 277, 278, 280, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 303, 308, etc.

These subjects are treated more fully in this book than in any other school history, and in proportion to the number of pages and the period of time covered, more fully than in any other history of the State ever published.

ARTICLE VIII.

Article 3 of the series of criticisms on Garrett and Goodpasture's History, by A. B. Wilson contains three points:

1. Mr. Wilson cites the statement of the authors on pages 144 and 151 with reference to the public lands and asserts that these two statements are contradictory. While he does not in express terms admit the second to be true, yet he seems to concede it, and endeavors to prove that the first is an error. As Mr. Wilson merely cites detached portions of text, it is proper to inform the reader that this subject is discussed more fully in the book than Mr. Wilson's citations would seem to indicate.

A brief statement is made on pages 143 and 144, and the whole subject is discussed more at length in chapter 21, pages 148 to

154. I quote below a portion of the statement on pages 143, 144; "Under an act of North Carolina, a land office was opened in Washington county in 1777. A similar office was opened in Sullivan county upon its formation two years later. Both of these offices were closed in 1781. A land office, known as John Armstrong's office, was opened in 1783. When the State passed the first act, ceding its western territory to the United States in 1784, this office was also closed. From that date until 1806, a period of twenty-two years, there was not a land office open in the State." This is the statement which Mr. Wilson has selected for criticism, although the subject is more fully discussed and explained in chapter 21. Referring to the expression that no land office was open in the State from 1784 to 1806, he says: "This evidently refers to the State of North Carolina, as Tennessee was a part of North Carolina."

Surely Mr. Wilson does not think that Tennessee was a part of North Carolina in 1806. The expression refers to Tennessee, and cannot be construed otherwise. With reference to Tennessee it is strictly true. The second statement, which he quotes from page 151, is equally true, and there is no contradiction. That statement is as follows: "In the meantime North Carolina continued to issue warrants and perfect title to lands in the same manner it might have done if its cession had not been made."

Mr. Wilson then proceeds to controvert the statement that the land offices were closed. In support of this position he cites the acts of North Carolina in 1785, 1786, 1787 and the acts of Tennessee, 1799, chapter 24. He is, however, mistaken in supposing that any "land office" was opened in Tennessee under any of these acts.

In preparing their history, the authors examined every available source of information. They consulted the statements of historians, the acts above mentioned as cited by Mr. Wilson, and also the acts of North Carolina, 1781, 1783, 1784, the acts of Tennessee, 1801, chapter 2; 1802, chapter 42; 1803, chapter 15; 1805, chapter 18. They also referred to the court decisions, as given in the supreme court reports. They found valuable information in Mr. E. T. Sanford's excellent monograph of Blount College and the University of Tennessee. The whole subject of the land laws is elucidated and summarized in Meigs'

Digest. As this is a book easy of access, I shall refer below mainly to that work.

It is not necessary to go into a lengthy discussion of the intricate history of the land laws. It is sufficient for our purpose to show that the land offices were not open in the State during the period named, and that nevertheless North Carolina continued to issue warrants and perfect titles without the intervention of land offices.

North Carolina in November, 1777, passed an act to establish a land office in each county. Under this act land offices were established in Washington and Sullivan counties. The act of June, 1781, chapter 7, section 7, abolished these county offices, and they were never reopened. See Meigs' Digest, vol. 2, page 663.

By the acts of 1780 and 1782, the Legislature provided for the award of lands to the officers and soldiers, and the military reservation was laid off. There was no entry-taker in the military reservation. See Meigs' Digest, vol. 2, page 663 *et seq.*, and page 670.

For the purpose of redeeming certificates to the officers and soldiers, "the act of 1783, chapter 2, was passed for opening the land office, which had been closed since June, 1781. This office was established at Hillsborough, and John Armstrong being elected entry-taker, it is known on our books as John Armstrong's office." Meigs' Digest, vol. 2, page 665.

By the act of 1784 John Armstrong's office was closed and was never reopened. (Meigs, vol. 2, page 688.) In 1784, then, there was no land office open within the limits of Tennessee. If Mr. Wilson insists that any office was opened previous to 1806, it would seem incumbent on him to show under what act it was created, and when and where such offices were established. A mere assertion that there were land offices is not evidence.

Mr. Wilson cites the three acts of North Carolina, respectively, in 1785, 1786, and 1787, all of which are directed to perfecting titles, etc., and none of which authorize the opening of land offices in any portion of Tennessee. He then cites the act of Tennessee in 1799, which act did provide for the opening of land offices. It so happened, however, that no offices were opened, for the reason that the act was suspended

by subsequent acts from year to year, and was finally declared void by the courts. See Meigs' Digest, vol. 2, pages 688, 689; also the acts of Tennessee above cited.

The following decisions of the courts, as quoted from Meigs' Digest, pages 690, 691, explain the reason why no land offices were established, and also why North Carolina continued to perfect titles:

"After the cession, North Carolina had no power to sell an acre of land within the ceded territory, no new right could be acquired to land therein under the laws of that State; the right to perfect incipient titles alone remained. 2 Tenn., 160. As to perfecting titles the cession act left things precisely as they were before its passage. 2 Tenn., 157. As to Tennessee, by the compact between her and North Carolina and the assent of the United States thereto in 1806, Tennessee acquired the right to perfect titles to the lands within the limits therein designated, including the greatest part of the State. Until this arrangement, Tennessee had no right to make title to an acre of soil within her limits, and consequently her acts of 1799, chapter 24, and 1801, chapter 2, section 7, in which she assumed such power, were void." *Miller's Lessee v. Holt*, 1 Tenn., 243-245.

The confusion in Mr. Wilson's mind results from a failure to distinguish between the steps for "entering" or "taking up" land, and the subsequent steps for perfecting the title. These several steps are very clearly set forth in Meigs' Digest, vol. 2, pages 670-682. The following brief synopsis will serve to indicate, but not fully explain, these several steps:

1. "In the county offices and in John Armstrong's office a person desirous of appropriating any particular spot of the vacant land, presented to the entry-taker a writing, afterwards called a location," describing the boundaries, etc.
2. Upon this "location" the entry-taker made the proper indorsements and entered a copy of the same upon the record book kept for the purpose. This constituted an "entry."
3. The caveat. The entry was held for three months to allow any adverse claimant to prosecute a caveat against the enterer.
4. The warrant. If at the end of three months no adverse claims were set up, the entry-taker gave the enterer a warrant of survey, generally called a "land warrant." In the case of military lands, the first step

was the warrant, which was issued by the secretary of state, and subsequently by a commission consisting of the governor, treasurer and comptroller. 5. The survey. The next step was the survey. 6 The removal of warrants. Under certain conditions, the enterer was permitted to remove his warrant to other lands not previously located. 7. The grant. Upon the return of the survey under the warrant, the secretary of state issued a grant to the land, which completed the title.

It is unnecessary to pursue the discussion further. The reader has already clearly perceived that there is no contradiction in the two statements of the authors, and that North Carolina did continue to issue warrants and perfect titles without the intervention of any land office in Tennessee, all of which was done in accordance with the right reserved in the act of cession, as follows: "Where entries have been made agreeable to law, and the titles under them not perfected by grant or otherwise, then and in that case the governor for the time being shall, and is hereby, required to perfect, from time to time, such titles, in such manner as if this act had never been passed."

2. Mr. Wilson next assails the authors on their statements with reference to the Presbyterian church. He quotes the expression from page 155: "The Presbyterian church laid great stress on the orthodoxy and learning of its ministers. It was early divided into 'Old Side' and 'New Side,' chiefly on these questions."

On this he makes the following remarkable comment: "Orthodoxy means nothing." If this be Mr. Wilson's real opinion, the authors accord him full liberty to entertain it. They decline to enter into any theological discussion either in their history or in the newspapers. In their history they have made no statements except those of a historical character, pointing out the well-known controversy, and briefly stating its causes.

The statement which Mr. Wilson criticizes was made on the authority of Rev. James Park, of Knoxville, one of the most learned and venerated ministers in the Presbyterian church, whose statements, especially on matters of ecclesiastical history, are entitled to the highest confidence and respect. Dr. Park says: "Those most zealous for strict orthodoxy, adherence to Presbyterian order and a learned ministry, were called the 'Old Side,' and the others 'New Side,' or 'New Light.'" See

"History of the First Presbyterian Church in Knoxville, Tenn.," a discourse by Rev. James Park, D.D., Knoxville, 1876, page 9.

Mr. Wilson in this connection makes an unjust and unwarrantable charge. He says that the authors of the book assume that the Presbyterians are "all wrong" on the subject of fatality. There is no foundation for this reckless charge. The authors have simply made the historical statement of the reasons assigned by the Cumberland church for separating from the Presbyterian church. These reasons are historic, and have been published time and again. The authors condensed them from Rev. James Smith's History of the Cumberland Presbyterian Church, page 683. They have not discussed the subject in any manner, and have expressed no opinion as to whether the Presbyterian church entertains the doctrine of fatality, or any other particular doctrine. The reader is requested to examine section 286, on page 160 of the history, and he cannot fail to see that Mr. Wilson's charge is totally unfounded.

With this last-mentioned criticism, Mr. Wilson closes his series of attacks on the authors on the score of historical errors. I have met them fairly and have given the authority of the authors for every statement which Mr. Wilson has controverted. He begins in this article a series of censures, which he continues in his next article. I do not believe that the public will agree with his strictures, and I shall discuss them with the same candor and directness with which I have met his charges of historical error.

3. In the third division of the present article, Mr. Wilson censures the authors for inserting, on page 202 of their history, a picture of William Walker, accompanied by a short sketch. He abuses Walker as a filibuster and a criminal who was not even successful, and is entitled to no place in history.

William Walker has won a place in history which Mr. Wilson cannot take away from him, and of which no writer of history can deprive him by omitting to mention his name. Whether for good or bad, he accomplished in Sonora and Nicaragua achievements which fixed upon him the eyes of the world as they were fixed upon no other Tennessean of his day. In the midst of important and delicate international questions which directed the attention of Europe and America towards Central America, William Walker suddenly appeared on the scene.

With a few daring men he gained astounding victories, and acquired a commanding influence in Central America. From 1853 to 1860, amid disaster and success, he held at bay the formidable powers that threatened him. When at length, in August, 1860, he surrendered to the British forces, and was by them delivered to the Hondurans for execution, there was hardly a man, woman, or child in America or Europe who had not heard of William Walker. The authors have not held him up as a great man, or one to be imitated. They represented him as a noted man, and stated briefly that his career was "the most romantic and brilliant in the annals of filibustering." They could not do less. In justice to the children of the State, about whom Mr. Wilson seems so solicitous, the authors could not leave them to complete the history of Tennessee without learning that such a man as William Walker ever lived.

But Mr. Wilson seems especially disturbed because the authors applied to William Walker the well known title of the "grey-eyed man of destiny." He asserts that this name was applied to him "in the language of some political club, or a few intimate acquaintances." This name was not given to him as suggested by Mr. Wilson, but it was given by those who did not know the meaning of the words "political club." Long before Walker's arrival among them there had been a superstition among the Nicaraguans that Heaven would send them as a deliverer from their oppressors "a grey-eyed man." When Walker appeared before them with his keen grey eyes and his dauntless demeanor, many of them joined his standard and applied to him the name which means "the grey-eyed man of destiny."

William Walker was a graduate of the University of Nashville and of the Medical College of the University of Philadelphia. He was a classmate of Dr. W. A. Cheatham, J. P. McFarland and J. Berrien Lindsley, and of Elisha Kane, the explorer. Whatever may have been his faults, he had the manners and deportment of an educated gentleman. See "Story of the Filibusters," by J. J. Roche, and "Sketch of William Walker," in AMERICAN HISTORICAL MAGAZINE, by John M. Bass.

ARTICLE IX.

Mr. Wilson concludes his criticisms on Garrett and Goodpasture's History of Tennessee in Article IV., published in the

Journal and Tribune December 30, 1900. He devotes the entire article to a labored effort to produce the impression that the authors have treated the civil war and the reconstruction period in a manner which is unfair and partisan.

Those who have read his article, have doubtless noted that, in all his efforts to fasten upon the authors the charge of partisan treatment, he has not quoted from their book a single unkind or partisan statement. The whole tenor of his criticism proves that if he could have found such an expression or statement he would have quoted it. The reason why he has not quoted any such statement is because he has been unable to find one. The reason why no such expression can be found in the book is because no such sentiment exists in the breasts of the authors.

Mr. Wilson is not the only person who has expressed an opinion of this history. If the authors chose to meet Mr. Wilson's attack by opposing to his assertions the testimony of other writers, they have at hand abundant material. Many distinguished citizens of the State, of both political parties, some in published comments and others in private letters, have congratulated the authors on the absolute fairness of their book. But the authors prefer to meet Mr. Wilson on higher grounds—the refutation which is given to his aspersions by the book itself. They offer their book in evidence, and invite the reader to examine it for himself. He will find in the perusal a complete answer to Mr. Wilson's charges.

From the preface to the conclusion the book breathes the spirit of conciliation. The whole story of the war and reconstruction is told, but it is fairly told. No issue is dodged in cowardly subterfuge. The struggle of war, the bitter animosity, the irritation of the times, are painted, but they are represented in a way that is honorable to all Tennesseans. There is no partisan coloring. This is the only true and manly way to deal with this unhappy epoch.

The following extracts, taken from the preface, from the portion of the book dealing with the civil war and reconstruction period, and from the concluding chapter, illustrate the spirit which pervades the book:

From the preface, pages 8 and 9: "The children of the State have a right to know all the events of its history. Events of great importance must not be passed over in silence, or con-

cealed by evasive treatment. The teacher and the text-book owe a duty to the State, to the pupils, to themselves, and to the truth of history. They must relate the events of the civil war and of the reconstruction period, and must paint a true picture of the irritation of the times.

"The teacher or the text-book who converts this duty of the historian into an occasion for rekindling buried passions, or instilling into the tender minds of children sentiments of partisan animosity, is guilty of a crime against society.

"Fortunately, the picture has its bright side, and affords the opportunity to illustrate the magnanimous characteristics of the people of Tennessee, and to inspire generous and magnanimous sentiments. The lesson must not end with depicting the passions aroused by war and reconstruction. It must go on to the pleasing recital of the restoration of political rights, followed by the growth of kindly sentiments, which, even before the Spanish war, had reached the point of mutual forgiveness and charity to all."

On page 203, the reluctance of Tennessee to secede is explained, as follows: "In Tennessee the majority of the people loved the Union, and did not wish to secede." The causes which led to secession are then briefly sketched.

On page 243, alluding to the bitter passions which were aroused in the reconstruction period, the authors say: "Not participating in the passions of the day, we cannot, if we would, omit the recital of this painful period of our history. Reason and justice pointed out in 1865 the true lesson which experience demonstrated later—that conciliation was the necessary and logical result. Had the parties of that day been able to look into the future as clearly as we can look back upon the past, much irritation, anxiety, and conflict would have been saved the people of the State. But it required the assuaging hand of time to still the passions, and the logic of events to reach the conclusion."

On page 315, after sketching the progress of the State from its first feeble settlements to its present state of prosperity, the book concludes, as follows: "May the spirit which sustained their ancestors through so many vicissitudes of fortune ever animate the future generations of Tennesseans, and may the glories and virtues which they inherit from the past be their inspiration for the future."

Through the entire book, from the beginning to the end, there is not a word at variance with these expressions. The stranger unfamiliar with Tennessee history, who reads this book, or the pupil who studies it, will learn, indeed, that there has been a fierce war, and a period of intense bitterness, but he will learn on page 236: "It was demonstrated that, though her people might be divided in sentiment, they were ready, on their respective sides, to fight for their principles through victory and defeat, in prosperity and adversity."

He will learn on page 213: "Thus, by a strange decree of fate, Middle and West Tennessee, which were strongly Confederate in sympathy, came under the control of the Federal authorities, while East Tennessee, which was strongly Union in sympathy, remained in possession of the Confederates. While such a condition was painful to all sections, it served to demonstrate the frank and firm character of the people of Tennessee. But few instances were found of apostasy or treachery. The mass of the people, on either side, resenting what they considered the oppression of their enemies, remained true to their convictions, and outspoken adherents of the cause which they espoused. Confederate soldiers marched by their homes on the retreat to the South, while East Tennessee Unionists abandoned home and fled to join the Federal army."

From such lessons as these, which are truthful and liberal, and from many similar lessons interspersed through the book, the reader or the pupil is led to the conclusion that the people of Tennessee, on both sides, acted in the war a brave and honorable part; were, during the period of reconstruction, torn by fierce internal dissensions, and have since magnanimously yielded their resentments to the convictions of reason and patriotism, and are teaching their children to look on these struggles of the past with sentiments similar to those with which their ancestors in England now look on the Wars of the Roses. Reader, is not this the proper lesson to teach the children? Is it not better than ignoring or concealing the facts by evasive treatment?

Mr. Wilson next enters on a series of special charges, in the nature of specification in support of his general charges. He first indicates, although he does not expressly state, that injustice is done in the distribution of portraits between the Federal and Confederate leaders. The facts are as follows:

There were in the Federal army three Tennesseans above the rank of brigadier-general. The pictures of all are given in the general group of leaders.

There were in the Confederate army ten Tennesseans above the rank of brigadier-general. The pictures of eight are given in the group. The pictures of the other two are given at the heads of their respective administrations as governors of Tennessee.

There were in the Federal army three regular brigadier-generals, and three brigadier-generals by brevet. Two of these, Andrew Johnson and William B. Campbell, are given at the heads of their respective administrations as governors of Tennessee. Thus, pictures are given, amounting to 66 2-3 per cent. of the brigadier-generals of full rank, or 33 1-3 per cent. of the total number of brigadier-generals in the Federal army.

There were thirty-one brigadier-generals in the Confederate army. The pictures of four are given: Gideon J. Pillow, in connection with the Mexican war; George Maney, in the group of colonels of First Tennessee regiments; W. H. Jackson, as commissioner of paroles at the surrender, and George W. Gordon, as commander of the Confederate Veteran Association. Thus, pictures of Confederate brigadier-generals are given, amounting to not quite 13 per cent. If there be any discrimination it is in favor of the Federal side. But no discrimination was intended in favor of either side.

There were two officers from Tennessee of high naval rank and fame: Admiral Farragut, on the Federal side, and Commodore Maury, on the Confederate side. Pictures and brief sketches of both are given, but the sketch of Admiral Farragut is the longer.

Mr. Wilson makes the following charge: "David G. Farragut is not even noticed in relation to any service performed by him during the civil war." The reader who does not make special reference to the book itself would infer that no notice is taken of Farragut except to insert his picture without comment. This is not true. The authors speak of Admiral Farragut in the terms of admiration and just pride which all Tennesseans feel in his illustrious career. They do not give a detailed account of his naval exploits because these exploits were not performed in connection with Tennessee troops or Tennes-

see campaigns, but they testify in general terms to his great services.

Mr. Wilson censures the authors for giving a detailed sketch of Forrest's campaigns, and charges them with being eulogists of Gen. Forrest.

It is true that the authors devote one chapter, about three and a half pages, to "Forrest's Raids," and, incidentally, mention his exploits briefly in other portions of the book. They consider that they were right in doing so. These raids constitute a part, and an important part, of the Tennessee campaigns. They were distinctive in character and results, and differed from mere temporary raids.

But Mr. Wilson criticizes not so much the fact that Forrest's exploits were narrated as the fact that other exploits were not also narrated on the Federal side. There were 774 battles and skirmishes fought in Tennessee. It would manifestly be impossible to narrate all of these, or even any considerable number of them. The authors, therefore, properly and necessarily, limited their accounts to the main campaigns, which amounted to invasions of the State. Their accounts, therefore, were mainly directed to the movements of the Federal armies. They described the invasion of the Federal armies, which gained possession of the State; the invasion of the Confederate army under Bragg, which, for a time, regained possession; the second Federal invasion, which regained permanent control; and the second Confederate invasion under Hood, which failed to regain control.

It was impossible to omit the invasions by Forrest, which constantly threatened and disturbed the Federal control, and formed a part of the general plan of the campaigns. No other officer in either army conducted operations of the same character. In fact, these operations are admitted by military experts to be without parallel in the history of warfare. Many other officers, on both sides, performed brilliant exploits, but it was impossible to narrate them. Gallant services of many Confederates and Federals were necessarily omitted.

Mr. Wilson censures the authors for applying to Forrest's exploits such terms as "gallant," "heroic," "brilliant," "daring." It would be very difficult for Mr. Wilson, or any one else, to write a history of Forrest's campaigns without using similar terms. Such terms have been applied to him by the highest

Federal authorities, and by the highest authorities in various parts of the world. Mr. Wilson, after censuring the authors, makes the following admission:

These terms "would not be out of place were it for the fact that while it is conceded that the Federal soldiers were equally as brave and daring as the Confederates, nowhere in this book are such terms, or others of similar meaning, used with respect to any movement or any man in the Federal army."

Mr. Wilson should have examined the book more closely before making such a charge. We take the liberty to refer him to a few such expressions with reference to individuals, also with reference to the Federal soldiers in general. On page 222 he will find the following expression in relation to the battle of Chickamauga, "the heroic defense made by Gen. Thomas." On page 199 he will find the following tribute to William B. Campbell, a brigadier-general in the Federal army: "Campbell is a man whose name deserves to be preserved and honored in Tennessee. Modest and brave, honest and true, wise and prudent, he filled the full measure of his duty as a citizen and a patriot." On page 236, he will find Admiral Farragut alluded to as "the illustrious hero of the Federal navy." On page 244, he will find a tribute to Abraham Lincoln, President of the United States, and commander-in-chief of the Federal army, and on page 245, a tribute to Brigadier-general Andrew Johnson, on the satisfaction which he felt in signing the act for the readmission of Tennessee.

In relation to the Federal soldiers, Mr. Wilson employs an incorrect term when he says that the authors concede the bravery of the Federal soldiers. The authors do not simply "concede" it; they testify to it. If the reader will refer to the book he will find tributes to the bravery of soldiers on both sides, expressed in terms warmer than "concessions." On page 224, in reference to the condition in East Tennessee, he will find, "the situation afforded the opportunity to lawless men to perpetrate outrages which no honorable partisan will wish to defend, and which the brave soldiers of either army not only condemned, but were ever ready to avenge."

On pages 233, 234, an incident is related to illustrate the magnanimous conduct of Federal soldiers at the close of the war, when the Confederates were returning home, dejected and un-

armed. The description of this incident ends, as follows: "The late foemen mingled as brothers, and parted with sentiments which only the brave can feel." On page 304 he may read the comments on the Grand Army of the Republic.

The length of this article admonishes me that I must touch on the remaining points of Mr. Wilson's article very briefly. He makes a labored effort to show that the account of the Ku Klux Klan, as given by the authors, exhibits a partisan spirit. He asserts that the authors "have no words of condemnation," but their account "is rather laudatory." He does not choose to mention that the authors also give an account of the "Loyal League," and mention both, historically, as organizations which grew out of the peculiar condition of the times with which they passed away, and could have existed in no other period of Tennessee history. It is true that the authors have no word of condemnation or laudation for either of these organizations, and they feel confident that the judicious reader will applaud them for refraining from denunciations in a school history. The authors did state, however, that both of these organizations were denounced by their opponents, and both ultimately became partisan organizations.

Mr. Wilson parades the acts of Tennessee which were passed against the Ku Klux, in style and manner which would seem to indicate that the authors had evaded mention of them. The reader has only to refer to page 250 to find that the authors did cite the laws making membership in the Ku Klux a felony, and did refer, in foot-notes, to the reports of the investigating committee of the legislature of Tennessee and of Congress.

He pronounces the account which the authors give of the origin of the Ku Klux Klan, and of the parade of that body at Pulaski, as "preposterous," and endeavors to ridicule it. On these points he writes at random. The accounts given by the authors are accurate and true. They are founded on Lester and Wilson's "History of the Ku Klux Klan," and can be verified, if necessary, by the affidavits of many reputable citizens of Pulaski and vicinity. If the reader has been led to suspect from Mr. Wilson's representation that the authors have discussed these organizations in any partisan spirit, he is invited to refer to the book itself as complete refutation.

Of all the charges which Mr. Wilson has made against this

book only two have the slightest foundation in reason or justice, and they are not charged as errors but as omissions. The authors do not make special mention of the battle of Fort Sanders, or the death of Gen. John H. Morgan. Mr. Wilson alludes to these omissions in a censorious comment, in which he even goes so far as to inform the reader of the authors' motives.

Soon after the publication of the book, and several months before Mr. Wilson began his attack, a distinguished citizen of Knoxville, formerly a Federal soldier, drew the attention of the authors to both of these omissions, and gave good reasons for the opinion that both events should be specially mentioned. These suggestions, and others, were made in courteous and friendly language, and convinced the authors that the advice was sound. They, therefore, wrote to the gentleman, explaining that the lack of space compelled them to omit many things which they desired to include; that in the necessity to condense, they had omitted a special account of the battle of Fort Sanders, as it was included in the general account of the siege of Knoxville; that, in the general plan of the book they had omitted accounts of the deaths of many gallant officers on both sides, and had not mentioned the death of Gen. Morgan, who was not a Tennessean, in accordance with their general plan; that they regretted the two omissions, however, as he had shown good reasons for mentioning both events, and that both would be included in subsequent editions of the book.

The communication in which the above mentioned suggestions were made was so gratifying to the authors, and so completely exonerates them from Mr. Wilson's charges, that I cannot forbear laying before the reader the following extracts:

"I have read with interest the 'History of Tennessee,' by Garrett and Goodpasture, designed as a text-book for use in our public schools, and am gratified at the excellent work of the authors and publishers.

"The comprehensive scope of the work, its excellent division and arrangement of periods and topics, its general accuracy of statement, and above all, the magnanimous spirit pervading the whole book and dictating a generous and impartial account of critical periods of our State history, make it a suitable and worthy text-book for use in our public schools and for general reference and instruction."

I now take my leave of Mr. Wilson. I have engaged in this controversy with him reluctantly. I am not personally acquainted with him, and have no unkind feelings toward him. He chose to make against myself and my associate charges of historical errors and partisan misrepresentations. I could not permit such charges to stand unanswered before my professional brethren and before the people of Tennessee.

LETTERS FROM GEN. COFFEE.

The writer of the letters which follow, John Coffee, was born in Nottoway County, Virginia, in 1772. He served with distinction against the Creek Indians, was wounded at Emuckfaw, 1814; participated in the attack on Pensacola, and in the defense of New Orleans; remained in service until June, 1815; was colonel and brigadier-general of Tennessee volunteers; was appointed Surveyor of Public Lands, March, 1817; died near Florence, Ala., July, 1834. His wife was a daughter of John Donelson, to whom the letters were addressed. Gen. Coffee was a brother-in-law of Andrew Jackson, who said of him, "he is a great general without knowing it."

[Historical Society Papers, Box C 2, No. 113.]

Camp Jackson
Near Washington
1st March 1813

Dear Sir:

Nothing of importance having occurred has prevented me from writing you before this; nor is there anything as yet presents itself relative to the object of our being ordered by government to this country. There is no appearance of an enemy on any of the Southern coasts, nor can the best informed in this country see through the policy of the orders. Genl. Wilkinson has advised our halting here and Genl. Jackson has approved the policy for the present, knowing this to be the most central point to act from—if to the East to take possession of Florida—or if below we can descend the river in very few days; and should our services not be wanting at all this is the healthiest situation to remain at and nearer home when ordered to return.

I have heard of the total defeat of Gen. Winchester—cannot hear particulars but the best accounts and the most relied on here say that himself and about 600 are prisoners. I hope it is no worse though some accounts say all perished together except a few who made escapes. Would to God we had been ordered

there instead of to this place—if so perhaps we could have saved Winchester and his brave little detachment. I presume before this reaches you a final blow must be struck by Genl. Harrison. So many calamities have befallen the Northwestern army I dread to hear from it—still, hope the policy will have changed and a proper course pursued to insure success. You could not imagine the spirits of our little army; notwithstanding we are in an unfriendly climate we enjoy excellent health as yet and we do not calculate on being kept here until the sickly season comes on. Since we commenced the line of march from Tennessee all is content, no murmuring or complaining. I have not had one half the trouble on the whole march and since here as I experienced while lying at Nashville and its vicinity. In passing through the Indian country I was very well supplied with forage and provisions on tolerable terms and never suffered for anything.

The Indians were remarkably friendly and accommodating. When we first arrived here some difficulties appeared relative to furnishing the horses of my regiment but all is now settled and going on very well. We get plenty of corn and tolerably plenty of fodder and hay—the price given for corn at the river is $62\frac{1}{2}$ cents per bushel and plenty. Several boats have landed since we came here and some have sold; others have passed on down the river. For fodder we give \$2.50 per hundred delivered in camp (very high). I live in camp in my tent. We are five miles from Natchez; have never been there until to-day—was there about 2 hours. The situation is a pleasant one though I feel more at home in my tent where I now write than anywhere else—never enjoyed better health than I have since I left home.

I have not heard from Polley nor any of you since my departure; if I could hear all was well would be better content but hope to receive letters by the mail to-morrow. Have written Polley by this mail and have requested her to write me to this place and would be glad to receive a line from you directed here if sent shortly after receipt of this.

I fear my little farm will not be productive of a support for the family this year—be so good as to give any instructions as you are passing. I expect by this reaches you the Circuit Court will have commenced in Rutherford as I believe the time is

changed to the 2nd Monday in March. Do anything and everything as relates to the trial of the suit as you think best—either try or continue, perhaps the latter would be best—of this you can best judge as you are on the ground. The title papers I left either in the paper press in the office or in the head of my secretary amongst my land papers. Polley can show you them. You will find them in one of the two places. I suppose the court will be held at Murfrees Boro. I don't know who is the judge—that will be important to know before you determine to try or continue. Please make my best respects to Mrs. Donelson and all the family. How is Polley doing? Do keep her spirits up and her as much as possible down with you and her friends. Make my respects to Mr. & Mrs. Smith and the little girls and accept for yourself, Dr. Sir, the best wishes of your humble servt

John Coffee

Mail: Capt John Donelson
near Nashville, Tenn

Head Quarters, Ten Islands, Coosey River,
12th November, 1813.

Dear Sir,—

Not untill the present moment have I had an opportunity to write you since we have commenced our operations on the enemy—You will have seen the account of the Battle of Talschackey before this reaches you—Last night we returned to this place, from an excursion into the enemy's country—We were informed by the friendly party of the approach of the enemy, and on the morning of the 8th about one o'clock, Genl Jackson at the head of about 2000 men crossed the Coosey River, and by a forced march met them thirty miles south of this place near Talladega creek early on the morning of the ninth, when we had an engagement, which very soon ended in the enemy's flight—we had nearly surrounded them when they broke, through an opening of the lines that had not been closed, through which many of them escaped, we pursued them 3 or 4 miles, killing and wounding as they run—we have counted 299 Indians dead on the ground, and it is believed that many have not been found that were killed dead, but the battle ground was so very large we had not time to hunt them up. It is believed that very few

got clear without a wound—thus the two battles have certainly left 500 of the choice warriors of the enemy dead on the ground, besides many others not found, and as many others must be wounded which leaves the forces of the Creek nation 1000 men weaker than when they began the present war—in the last battle the force of the enemy was a little upwards of 1000 warriors, picked men sent forward to destroy our army—although our detachment was about double their numbers, we never had more than their own numbers engaged with them at the same time, which as respects their inferior numbers, did not operate on them in that way—but rest assured that they never will stand an opposing force of their equals on fair ground, they are certainly a desperate enemy when they have conquered—but they are very soon put to flight by one resolute stand or charge—had we our supplies for our army we would very soon put an end to the campaign, but we are badly furnished, we are waiting here for supplies, and still have hopes in a week from this time to receive them—I have doubts of realising it in that time—but we shall as soon as possible proceed directly into the heart of the Creek country when the fate of the campaign will be fixed—we have no doubts as to the result.—but our being detained here have prolonged the campaign beyond our first expectations—we lost in the last battle 15 men killed and eighty six wounded the most of them very slight, some few will die, but very few—this disproportion is as great as we could possibly have expected—as battles cannot be fought without losing men—when anything occurs I will write you—I hope yourself and family are in health, Sandy and Jacky are with us here all are well, my respects to Mrs. Donelson and all the family. with due respect and regard
your obt Sevt

Jno Coffee.

I mentioned in the first of this that it was the first time I had written you, but I recollect since of writing you before, our crowd of business here is such that I dont always recollect what has past in a few hours after.

J. C.

Captain John Donelson,

Nashville,

Tennessee.

Huntsville 22nd Dec, 1813.

Dear Sir,—

I have been confined at this place ten days by indisposition, but am at present much amended—this day for the first time I rode out a mile and hope in three or four days to be able to proceed on after my Brigade which is now halted on the south side of Tennessee at Fort Deposit, awaiting the orders of the Commanding Genl and I presume he is waiting to get ready to make a quick movement against the enemy before he calls the mounted men from where they can get forage for their horses—Genl Jackson informs me that his spies (the friendly Indians) tells him that the warriors are collecting in a large body about sixty miles beyond his headquarters the Ten Islands, that they say they intend to destroy Tamleys Fort at Talladega of friendly Indians, and then they intend to attack him. I do not believe they intend to attack him, unless they find him without a force, in that case, perhaps they may. If we do not have a battle in two weeks, it is not my opinion we shall have one this winter—

great discontent prevails in our camps the men appear to have turned their faces toward home and nothing can induce them to stay, each man seems to keep his calendar before him and the very moment his three months expires, he demands his discharge—the same with the East Tennesseans, a part of them have been discharged since they joined us,—on the 24th of this month and within two or three days after almost the whole of our army will claim their discharge, we must (but I fear it will be difficult) keep up the post at Fort Strother, until a new army can be raised somewhere—we expect here to-morrow a number of troops with Col Carrol from Tennessee of some kind, but what I don't know, Genl Roberts passed here to-day with 200 fresh volunteers to join the army—this country is about to send out 250 men, and some is expected from East Tennessee all those added will keep the post untill a new army can be raised provided proper steps are taken to raise one—but I fear very much the energies of our Governor—all is in his power if he has the will—you can have no idea of the clamours of the men, all disorder here and daily desertions etc etc.

Genl Jackson has the most laborious task that man ever bore, I am told he supports his usual spirits and keeps in good health,

and all other officers who do their duty is not idle or a little perplexed,—energy and perseverance will do a great deal, but God knows how much it will do in the present case—I hope all will be well, but we have much to fear—this is intended for your information and not for general view—it would only serve to alarm the fears of friends and discourage the men in the service—as for myself I intend to keep my steady course, and not be perplexed let things go as they may.

Genl Smith and Company has returned to us all in excellent health, he says the Choctaws are not so friendly as was formerly supposed—I should be glad to hear from you, when leisure offers—please make my best respects to Mrs. D. and family.

Yours most affectionately,

Jno Coffee.

Captain John Donelson,

Davidson County,
Tennessee.

(Mr. Dorris)

Fort Strother 28th January 1814.

Dear Sir,—

We have to record the proceedings of another excursion into the interior of the enemies country, and although we have met with success it is marked with circumstances of regret, and misfortunes that are serious to the friends of those brave men whose lives have been lost in achieving the battles that have been obtained—painfull as it is, I must inform you that Sandy Donelson was amongst the slain, he fell by a ball through his head, near me, a few moments after I had received a wound by a ball through my right side, but not dangerous—in a state of war the lives of men must be lost, and the only circumstance that leaves us any satisfaction for our departed friends is when they have acted their parts well and fell bravely defending the government we are bound to protect, and in that your son has been exceeded by none—he fell in the fourth battle that he fought by my side, and I can with certainty say that a braver man never lived—he is no more, but his death has been glorious he has bequeathed his friends a valuable inheritance in the character he has acquired to his memory, and whilst we his friends lament

his loss in the bloom of life we may rejoice at the honorable station in which his memory is placed, and which is beyond the reach of strife or envy.

We left this place on the 16th instant and marched by Talladega and from thence South East, about 70 miles from this place, which brought us into the neighborhood of the villages of the oakpuskas and others united whom we intended an attack on, we were discovered by the spies of the enemy, and when in a few miles of them, as we expected we were attacked on the morning of the 22nd about the dawn of day very furiously, our men were on their posts and as soon as light enough to see we drove them—they were dispersed, and again the same day they brought on the attack about One o'clock, when Sandy fell and myself wounded—this was a sharp conflict on the part of the army at which we were, but finally the enemy were completely driven—although we had killed ten of the enemy to every one man we had lost yet we had wounded men to provide for, and determined to return—On the 23rd we moved back about ten miles and on the morning of the 24th, after marching and while crossing a large creek, the rear of our army was again attacked, when the rear guard in a very cowardly manner retreated, before the enemy, who fell upon the Nashville artillery company, the only part of the army on that side of the creek after guards left them, they met the savages with firmness and after a heavy fire for several minutes, contending with vastly superior numbers, they put the enemy to flight, but with the loss of 6 or 8 fine young men—our horsemen recrossed the creek and pursued and killing many in the pursuit untill they took refuge in the neighboring hills—thus our fighting ended, and we came on to this place and arrived here on the 27th—we cannot pretend to say what number of Indians fought us, but supposed to be from 8 to 10 hundred, our forces were 1000 white men and 200 friendly Indians—the loss of the enemy from the best accounts has been upwards of 200 killed—we lost 18 killed and 70 wounded, four of whom is since dead, not many others dangerous—our great loss has been occasioned by our troops being raw and undisciplined commanded by officers of the same description—had I have had my old Regt of Cavalry I could have driven the enemy wherever I met them without loss, but speculation had taken them out of the field, and thus we have suffered

for them—their advisers ought to suffer death for their unwarrantable conduct, and I hope that our injured citizens will treat them with the contempt they justly merit.

Jacky with about 20 men followed after us when we marched, and fortunately reached our camp in the night, before the battle of the morning of the 22nd thus he just saved himself and men—he has escaped unhurt, and is now with me—Col Perkins and Col John Stump are now on trial before a court martial for cowardice in running at the head of the guard, at the last battle—it is supposed their sentence will be a severe one—I expect in two or three days to be able to ride slowly, when I shall start home untill I recover my wound and untill my further services may be wanting—You will see Genl Jackson's official report no doubt published which will give you the particulars of our affairs more correctly—when I reach home I would be exceedingly glad to see you and Mrs. Donelson at my house, as I dont expect I will be able for some time to ride as far as your house, after I quit travelling—I received your letter by Jacky and was glad to hear of the health of yourself and family, I also received a letter from Polley informs of her own and little Mary's health which in this lonesome place was very satisfactory—if our war was honorably terminated I would be content, but untill that is the case I never can be happy—with great regard and esteem,

I am respectfully your obt St
Jno Coffee.

Fort Williams 1st April 1814

Dear Sir

On the 17th of March we left Fort Strother and marched to this post which is the Coosey River sixty miles by land below Fort Strother and about 15 degrees west of South from that place.

On the 24th we left this place and marched about 8 or 10 degrees to the south of East fifty two miles to the bend of Tallepoosey River near to Emuckfaw where our last battles were fought and where we found the enemy enforted in a bend of the river with a very strong breast work. Before we reached them six miles I was detached with 700 mounted men and 600 friendly Indians to cross the river three miles below and take possession

of the opposite side of the river, to prevent the enemy from crossing the river and escaping our army when attacked. All our plans were executed to great advantage indeed. Just as I had formed my men in line about $\frac{1}{4}$ mile from the river the cannon of our army in front commenced firing and before one Indian crossed the river we had possession of the bank. The greater part of the enemy fought with savage fury while others of them ran in all directions throwing themselves into the river and attempting to swim over but not one escaped in that way. The battle commenced at half after ten in the morning and continued until night. Our cannon played on their breast works near two hours together with a great discharge of small arms—when our men charged their walls by storm which was done with great vigor and success.

Before we stormed their works the friendly Indians had got in the rear of the enemy which prevented them from flying back to their buildings; They stood the charge to admiration and it was not unusual for the muzzles of the guns of both parties to meet in the port holes and both fire at the same time. But the enemy was obliged to fly to the river where all the remaining part that had not been killed before were shot in the water except a few that hid under the banks of the river and which our men continued to find and kill until it became too dark to see. Perhaps 15 or 20 swam out that night which is all that escaped.

The slaughter was greater than all we had done before. We killed not less than 850 or 900 of them and took about 500 squaws and children prisoners. We have now destroyed all the warriors of Tallipoosey—upper country. What will be our movements in future I cannot say; the hickory ground is the next object but how soon we cannot tell. Our horses are worn down and I fear will all dye; but we must go forward at all events.

I refer you to Capt. Smith for further particulars and the news of our army. Will only add that things are quite different here to what they were in our former army; all is now content—no murmuring to be heard.

I don't know when I can return home but don't expect to be long out. With respect to yourself and family I am with great regard your obt. sevt.

Jno. Coffee.

N. B: Our loss in killed of white men was 26 and 106 wounded. Of the friendly Indians 23 were killed and 47 wounded—making our whole loss 49 killed and 153 wounded.

Lemuel Montgomery was killed in the charge against the breast works by a ball through his head after he reached the wall. He fired his pistol through a port hole killed an Indian and in an instant afterward was shot through the same hole and fell dead—never spoke.

J. C.

Capt. John Donelson

Davidson County

Tenn

Fort Williams 25th April 1814

Dear Sir

On the 7th instant we marched from this place for the junction of the rivers Coosa and Tallapoosa commonly called the hickory ground.

We struck the Tallapoosa about twelve miles above the forks at an Indian town called Hoithlewalla where we was informed the enemy had concentrated to give us battle. During our march was a continued fall of rain which flooded the creeks and very much impeded our progress. The enemy discovered us and fled in all directions—we found the town abandoned. We turned down to the forks of the river, burned all the villages in our reach but not an enemy could be found; flags hourly came in, begging forgiveness and protection. Some of them it is said have fled toward the lower Creek country or Pensacola; the whole remaining part of the nation has submitted to unconditional terms of peace and will be permitted to settle on certain tracts of the country as will be laid out for them, reserving the most valuable parts as an indemnity for the expense of the war. Genl Pinckney with the army of the two Carolinas joined us at the forks and seeing that the fighting was over the Tennessee army is permitted to withdraw from the service under the impression that the country was completely conquered and that they were competent to keep possession thereof. We left the forks Fort Jackson on the evening of the 21st, and arrived here last evening. The army will take up the line of march from this I expect on the morning of the 27th and will progress as

fast as possible until it reaches Fayetteville where the West Tennesseans will be discharged. A detachment of about 500 men will be sent from here to scour the Cahaba for skulking fellows that have not yet come in. They will unite with us again at Ft. Deposit. There will be about 500 of the East Tennesseans kept in service to support the posts we have established on the river until they can be relieved by regular troops to be raised. Thus the Creek war is ended. I expect Capt. Hammond's company of Rangers will be stationed at Ft. Deposit on Tennessee River to support that post.

I expect to be at home in about two weeks. Jacky and Capt. Smith are with me. We are all in good health. Our horses very much worn down not having any forage for them for a month past—perhaps we may get them home or a part of them. I don't expect to have an opportunity to write home; will you be so good as to send word to Polley that I expect to be at home shortly. Please make my respects to Mrs Donelson and family

Am with respect

Yr. obt. servt

John Coffee

Capt. John Donelson

Davidson County Tenn

Col. Carroll

Camp four miles above Orleans

25th January 1815

Dear Sir:

I have just got leisure to write you a line of information respecting occurrences here. No doubt you have heard of our many engagements with the enemy, but lest you should not have gotten it correct I will give you a short sketch of it here.

I had just arrived at the mouth of Sandy Creek above this about 150 miles and about two or three days when I was ordered to Orleans by forced marches to meet the enemy who had made his appearance and had already taken our gun vessels five in number that lay in the bay of St. Louis.

I left Sandy on the 17th Dec. and in three days reached this place with my front, the rear coming on as fast as possible from the situation of their horses the great fall of rain, bad roads-etc. On the line of march from Mobile and otherwise

a number of my guns was out of order which diminished my effective force very considerably. After leaving 1,000 men in the Mobile country Genl Carroll with a part of his division landed on this ground on the evening of the same day that I arrived in the morning. On the 23rd I recd. orders to prepare to meet the enemy who had effected a landing and was then (about 12 o'clock) on the bank of the Mississippi below Orleans seven miles, all the way an open level cultivated field. I was soon off; my whole effective force that was armed was 800 men. When I reached Orleans and Genl. Jackson he had there 600 regulars and about 200 Orleans militia when added to mine made 1600 men.

Gen. Carroll had not got up and no time to pause. the enemy were to be checked or they would very soon be in Orleans. We knew not their numbers but determined to meet them and give them battle. We proceeded on, and found the enemy encamped on the same ground. He had first approached the river and along the river bank. It was now night but a fine moon gave much light. We had a gun vessel that dropped down the river with us and a little before the action commenced on our part she opened fire on them with grape and canister shot that drove them out from the river bank 3 or 4 hundred yards.

The order of battle was, the Regulars and Orleans troops attacked, their head on the bank or near the River, and my command moved round to the left until opposite and attacked their center; the action very soon became general and very heavy. My Brigade met the enemys line near 400 yards from the river; the fire on both sides was kept up mostly very brisk until we drove them to the river bank where they gave a long and heavy fire; and finally the enemy fell behind the levee or river bank that is thrown up. The battle had now lasted for near $2\frac{1}{2}$ hours. The regulars had ceased firing near one hour before.

I drew my men back between a quarter and a half mile. the regulars rested on their ground. In this affair we lost about 25 killed and 40 some odd wounded and lost 70 prisoners.

We took upwards of an hundred prisoners from whom we learnt the enemy in the commencement of the action was more than double our numbers, and that they were reinforced from their boats that night 2000 men. We since learn the enemy on that night lost 400 men killed and wounded.

Genl. Carroll arrived with his forces sometime in the night but we were still far short of their numbers. We had already given them a check; the object next was to take a strong position and prevent them from entering the town; and for that purpose next morning we fell back near two miles and formed a line from the river to a marshy ground on the left that was impassable. Here we threw up an entrenchment that was $\frac{3}{4}$ of a mile in length—2-3 an open plain the balance brushy and a swamp. Our lines and those of the enemy were now two miles apart but perfectly level and open.

Every day and night skirmishing while we were planting our artillery.

On the 25th they made a feint to charge us but halting with firing some cannon and rockets. On the 28th they made another effort to charge us but could not bring their men to our line but gave us a great number of cannon shot, Bombs, Rockets, &c and formed their line parallel with ours, about one mile in our front. They now were entrenching and planting cannon near to us, and by the morning of the first of January they had three batteries mounting 24 large cannon within 600 yards of our line and opened with their cannon and Congreve rockets and Bombs a most tremendous fire which continued several hours.

Our cannon was well served and before ten o'clock had silenced near half their guns; during this cannonade they attempted to charge but again failed. That night they withdrew from these near batteries, and remained on their line in our front. Every day we had skirmishes cannonading &c and the enemy appeared very busy, when on the morning of the 8th of January at the dawn of day their cannon opened and their charge sounded. They advanced in solid column in superior numbers and great order. Never was an enemy met with more firmness. Before they reached our small arms our grape and canister mowed down whole columns; but that was nothing to the carnage of our Rifles and muskets when they reached them; notwithstanding they appeared to fill their columns as fast as we thinned them until their front in many places reached our ditches.

* * * *

(The conclusion of this letter is missing.)

Camp Coffee near New Orleans,
24th February, 1815.

Dear Sir,—

Since I last wrote you the enemy has not appeared on this station,—when they left this, they took a position off Mobile Point, (Fort Bowyer) that had been so ably defended by Major Lawrence, and on the eleventh instant the fort surrendered without ever having received a shot from the enemy—Mr. Livingston one of Genl Jackson's aids who had gone to the enemies fleet with a flag on the exchange of prisoners, had been detained by them, and was in view and saw the whole transaction, he says the enemy landed a considerable force, and took a position in rear of the fort, and threw up some batteries, and mounted several pieces of cannon and mortars, during which time, say three or four days, the guns of our fort occasionally played on them, when the enemy were ready to commence their operations they sent a flag demanding a surrender which was acceded to by Major Lawrence—the British officers said to Mr. Livingston that they lost between 30 and 40 men by the cannon before the fort surrendered.—Genl Winchester at Mobile as soon as he heard that the enemy were before the fort, had crossed one thousand men under Major Blue of the 39th Infantry over the Bay of Mobile, who fell down on the same side with the enemy and the fort, and reached that place a few hours after the surrender, he surprised and took the enemies guard of eighteen men, but owing to the unexpected surrender, was overpowered by the enemy and driven back—when Mr. Livingston left the fleet, he understood they intended attacking Mobile town, but we have information from Genl Winchester up to the 16th and no appearance of them at that time; he is well prepared for, and will give them Yankey play if they come.

Since the return of Mr. Livingston the British Rear Admiral Cochran, enclosed to Genl Jackson a bulletin from England announcing the conclusion of a peace between the two countries, by their respective Plenipotentiaries and that hostilities would cease so soon as the same would be ratified by the two governments. It appears not to have come official to the British officer but from his sending it to us, he either believes it or wants us to believe it, to be true—however desirable the object may be, it is our duty to be on the alert.

Without we get this account official from our own government I do not expect to leave here until the last of March, but should it be announced of course we shall be instantly ordered home—

Our troops are still somewhat sickly, from the great colds they caught during the battles, in consequence of having to lay out on marshy ground, and not infrequently covered six inches entire under water—

When anything of importance occurs you shall hear from me again.

Please make my respects affectionately to Mrs. Donelson and family—and accept the best wishes of your Humb servt.

Jno Coffee

P. S. I expect Polley is with you. I have written her by this mail directed to Nashville please call for the letter.

Dittoes Landing 13th Feby 1816.

Dear Sir,—

I should have written you before this but nothing has occurred worth mentioning, nor indeed has anything yet transpired of importance.

On my arrival at Fort Strother when I first went out had no intelligence of the other Commissioners. I immediately dispatched an express to them and concluded until his return I would run an experimental line between us and the Cherokees, which I have done. Running from Camp Wills to Camp Coffee touching the river Ten at several points as I came on. I am inclined to think the true limit will run from those two points so as to include to the Cherokees their settlements on Thompsons Creek, I proposed to them to stipulate for such a line, which those Indians below would willingly do, but cannot act without the voice of the nation. They have sent on a deputation to our government, from whom they expect great indulgence and which prevents them from acting until they hear from them. two days since my express has returned with a line from Col Hawkins, which gives me no information of any kind of consequence to me as Commr. I have determined to proceed down the river Ten taking its distance and bearings as I go, to a point where I think the line between us and the Chickasaws ought to

run, and then proceed to run that line. I am of opinion that line will commence on the Ten. River at the mouth of Caney Creek which empties into the river about 15 miles below Muscle Shoals, then up that Creek to its head, and southwardly to the Tombigby, and down that river with its meanders & if this shall be found to be the line, it will require but little labor to complete it, as it need not be run when it strikes the river. The surveyor starts on this duty this morning and to-morrow. I follow and join them; am this day waiting the arrival of some information before I start.

I dont know the result of my acting alone, the government may or may not approve what I do but I am determned to proceed to do something and return home and not ly a whole season doing nothing as has been done by others. I could have finished the whole line since I come out had the other Commr have joined me as was promised. I think now that I can do all that I can do at all in about one month, and at which time I expect to return home.

I have enjoyed good health generally myself except colds. Ben has been very sick, he was taken about two weeks since on the road, I sent him to Huntsville where he yet remains, but is recovering fast as I am informed.

I would be glad to have a line from you, write to Huntsville and it will be forwarded to me. I hear that Lemuel has got home ask him to write me a line how he fared etc at the city. please remember me affectionately to Mrs. Donelson & family.

with regards and esteem,

your obt servt.

Jno Coffee.

Capt John Donelson Senr.

(mail)

Nashville, Tenn.

Washington Sunday 3rd March 1832.

Dear Sir:

This morning at five o'clock Congress closed its session—The President took a room in the Capitol, and remained untill the close—the senate did not ratify the Chickasaw treaty untill the day before it rose—The President then sent them your name

for surveyor of that country—when Mr. Poindexter prevailed and procured it to be rejected upon the ground of your not being a citizen of the State of Mississippi—Gwin was again rejected for the appointment of Register as before—he was recommended by the petition of almost the whole legislature of Miss but it availed nothing. The President at first determined not to nominate again, but on reflection and the advice of his Cabinet he did agree to it, to save the public interest—when John Bell of Miss was appointed surveyor and on account of part of the ceded lands being in Alabama they did appt. one man from that State all the balance of the officers were appointed from Miss. I was up all last night and being unwell at best, I am not in a situation to write as you see from this scrawl—I write it to let you know the result of things here—The last session of Congress has been a strange one indeed. I think when they get home and take time to reflect on what has been done, many of them will blush at the course they pursued here—however, remiss as they have been in doing their duty in some things, they have done much good I hope—they passed the bill to enable the President to enforce the payment of the revenues, and they have passed a bill purporting to be a reduction of the tariff, such as the members (for) South Carolina has accepted and say will be satisfactory to that State—Although many of the Southern people do not think it will relieve them—yet if it has the effect to allay the feelings in So Carolina, a great point will be gained—It is thought that nullification will go down to rest, never again to raise its head.—I wish it may be so.

I leave here on Tuesday morning for home, shall carry with me Miss McLemore and my own daughter—hope to be at home by the 20th Inst. when I should be gratified to see you or any of our friends from the district.

Will you please present my respects to them generally—but particularly to Mr. Hays.

The President's health is not stout, but he is improving—tomorrow will be a day of fatigue to him, after which I hope he will have some rest.

Your friend and servt.

Jn. Coffee.

Robt J. Chester, Esq.

Jackson, Tenn.

THE RECORDS OF WASHINGTON COUNTY.

James Stuart

vs

In case on inquiry

George Pointer.

Thos. Gillaspy, Robt Gentry, Hugh Stinson, Jas. Ray, Hosea Roan, Saml. Williams, Jonathan Tipton, Thomas Brumit, John Waddell, George Been, Abner Greene and Joseph Bullard Jurymen, passed on the aforesaid Tryal of inquiry. The Jury find nine hundred pounds damages.

Thos. Gillaspy foreman.

John Holly Security for Francis Holly case vs John Medlock.

The Court have appointed Jesse Gentry and Saml. Lyles, Constables.

The Court adjourned till to-morrow morning 9 oclock.

Thursday morning the Court met according to adjournment.

Francis Holly

vs

Writ of inquiry

John Medlock.

John Waddle, Jonathan Tipton, Jas. Anderson, John Allison, Julis Roberts, John Gilliland, James Allison, Hosea Roane, Jas. Millican, James Denton, Wm. Robertson and George Been Jurymen, passed on the aforesaid inquiry. Jury find for the plaintiff five hundred pounds damages.

John Gilliland foreman.

Charles Robertson esq

vs

In case on inquiry

James Crawford.

Jno. Waddle, Jon'n Tipton, Jas. Anderson, John Allison, Jno. Gilliland, Jas. Allison, Hosea Roane, Jas. Millican, Jas. Denton, Geo. Been, Jas. Henry & Thos. Gillespy passed on the aforesd inquiry. Jury find twenty thousand pounds damages.

Jno. Gilliland foreman.

John Sevier have leave to build a grist mill on his land whereon Thos. Fowler lives and that he be intitled to take and receive the Same toll and Same rights and immunities as other public grist mills are intitled to.

Ordered that the Sheriff summon Mary Choate and the widow or wife of Jno. Maguff to appear at our next Court to show cause if any she have why there children may not be bound out according to Law.

The Court read the Inventory made by Robert Irwin, Robt. Wier, and Anthony More assessors for the year 1781.

Ordered that the Tavern keepers for the present year be entitled to take and receive the following allowances and prices and no more:

	£.	S.	D.	
West I. Best Rum	2	2		pr gallon
Continent or Taffy do	1	12		pr ditto
Peach Brandy	1	4		pr ditto
Good Whiskey		10		pr ditto
Beer		2		pr ditto
Hott Diner		1	4	
Brakefast or Supper with				
Tea or Coffee		1	0	
Corn or Oats pr. Quart		2		
Pasture Stabledge with				
fodder &c		8		per night

The Court have appointed Wm Cox, George Russell & Joseph Dunham to review and mark a road from the . . . of Wat-
taugo to the Court House and make return to our next Court.

Court adjourned till Court in course.

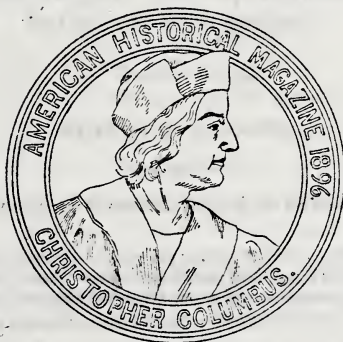
Thos. Houghton
James Stuart
John Newman
Danl. Kennedy
Jno. McNabb
Andw Greer
Jno. McMaihen.

[TO BE CONTINUED.]

THE
AMERICAN HISTORICAL
MAGAZINE

REPRESENTING THE CHAIR OF AMERICAN HISTORY
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VOLUME VI., 1901.



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No. 3.

THE GREAT SEAL OF THE STATE OF TENNESSEE.

AN ENQUIRY INTO THE TRUE HISTORY OF ITS ORIGIN, WITH AN
INVESTIGATION OF THE TRUSTWORTHINESS OF THE STATE-
MENTS MADE IN COL. WM. A. HENDERSON'S PAM-
PHLET ON THE SUBJECT.

BY DR. R. L. C. WHITE.

[Read before the Tennessee Historical Society, at Nashville, January 9, 1900.]

As long as men have liberty to examine and contradict one another, one may partly conjecture, by comparing their words, on which side the truth is like to lie. But when great men write history, or flatterers by their appointment, which no man dare contradict, believe it but as you are constrained.—*Richard Baxter.*

It is probably not too much to assert that a larger amount of intelligent attention has been bestowed by the people of this state upon the study of its history during the past three years than in the preceding thirty. This happy result is directly ascribable to the impetus given such investigation by the Tennessee centennial, which, awakening and revivifying the patriotic ardor of our people, caused the younger generation to learn, and the older to remember, that no state of all the forty-five has a more glorious past, more thickly studded with illustrious names. Libraries were ransacked, tribute was levied upon forgotten files of ancient newspapers, and the life of our amiable and long-suffering librarian was made a burden to him daily. Haywood and Ramsey, Reid, Eaton and Putnam, Carr, Paschall

and Phelan were rescued from dusty desuetude, and the doughty deeds of John Sevier and James Robertson and "Old Hickory" were gilded with new glory and made to shine again. And so it has come about that a department of study which had been so long and so shamefully neglected has begun to receive, in some degree at least, the attention which its magnitude and its importance deserve. If it has been the fortune of the dreamer of "A Centennial Dream" to have some small share in effectuating this result, the knowledge of that fact is to him ample compensation.

It would be a waste of the time and an unnecessary tax upon the patience of a body each member of which is supposed to be a historical expert for me to address you concerning matters which may be found set out in full in printed books or in our own archives, and which are therefore accessible to all of you. You know, better than I can tell you, the now threadbare story of William Bean's cabin—although some of the more recent acquisitions to our membership may be unaware of the fact that the surname of this primal pioneer is invariably misspelled by the historians—the Watauga association, the battle of King's mountain, the voyage of the "Adventure," the Cumberland compact, the fight at Buchanan's fort, and the other facts and incidents of our early annals, now familiar to all. I have chosen, therefore, in accepting the courteous invitation of our President to address you this evening, to occupy your attention with a matter which is of much more than passing interest, the details of which are to be found only in rare and not generally accessible printed journals of the Tennessee legislature, in the early statute books and, in some instances, only in the manuscript records of the state. I have carefully and with patient persistence collated from these sources the facts as they are; and I shall ask you to listen to the true story—now for the first time told in full—of the genesis of the Great Seal of the State of Tennessee. If, in presenting this story, I shall be compelled to expose error in high places, be assured that the spirit which actuates me is not one of iconoclastic criticism, but rather that of the honest investigator who believes that the first duty of the historian is to conserve the truth of history.

In the year 1894, a distinguished citizen of the commonwealth—eminent not only in the legal profession, but enjoying consid-

erable reputation as a writer on matters appertaining to the early history of the state—read before the Tennessee Historical Society a paper on the origin of the state seal. I did not have the pleasure of hearing the reading of this document; and when it was published in the Chattanooga Times of May 31, 1896, after revision by the author, as a contribution to the general output of centennial literature then current, and afterward printed in pamphlet form, it escaped my attention. It happened, therefore, that I knew nothing of the remarkable assertions contained in this addition to Tennessee history until a few months ago. In April of last year, as some of you may remember—I hope that none of you remember with regret—I printed in the Nashville American “A Century of Errors concerning Tennessee History,” one paragraph of which consisted of the intentionally erroneous statement, taken from Ramsey’s “Annals,” that the first seal of the state was made in Philadelphia. When I began the examination of the corrections of the hundred errors received from the contestants, I was struck by the unanimity with which a large number of them asserted that the first seal was a so-called “cymling seal,” alleged to have been made of melted lead with a pocket-knife, in March, 1796, by one John Ailor Gammon, at Knoxville. I had considered myself fairly familiar with the history of the first seal, having long ago discovered Ramsey’s error and having made an investigation into the records—and I had never before heard of the “cymling seal.” I proceeded forthwith to look into the matter, somewhat ashamed that so curious a fact in a branch of study which I had made a specialty had so successfully eluded my research. I soon found that the score or more of contestants who, with one accord and with what proved to have been fatal credulity, had pinned their faith to the story of the seal with the funny vegetable name, had done so on the strength of the assertions made in the pamphlet to which I have alluded. After some trouble, I procured a copy and read it.

I present now some extracts from this remarkable production. In doing so, I include, on the one hand, only so much as may be necessary for your intelligent comprehension of my reply, presently to be submitted, to its assertions; while, on the other hand, in order that I may be perfectly fair to the distinguished gentleman whose statements I am compelled, in the interest of

the truth of history, to controvert—Col. William A. Henderson of Knoxville—I omit nothing which he says pertaining directly to the origin of the seal. Writing in May, 1896, he says:

"About one hundred years ago, the state of Tennessee was born in Knoxville. . . . After the organization of the new state, the house moved into the new court house. . . . The first act passed was the incorporation of Blount College, now the University of Tennessee; the second made some military provisions, and the third was the appointment of a committee, consisting of John Sevier and Charles McClung and John Ailor Gammon, for designing and reporting a great seal for the state. From the minds of these men and out of their surroundings was born the seal of our state, and in it was attempted to be crystalized the dominant sentiment of those men and those times."

After giving a biographical sketch of Sevier, which it is not necessary to quote here, the pamphlet continues:

"John Sevier had once before, while heading the first rebellion, been directed to prepare a great seal for the state of Franklin, but it was never prepared, and all his official documents as such governor—and they were numerous, and both scholarly and statesmanlike—recite the non-existence of such a seal, with the use of his private seal, which appeared as a mere red wafer."

Here Col. Henderson might properly have added the statement—it would have been true—that Sevier suffered the same official deprivation during the whole of his first three terms as Governor of Tennessee, from 1796 to 1801, "all of his official documents as such governor—and they were numerous"—evidencing "the non-existence of such a seal," and having been attested, as I shall show hereafter, by this same "private seal." The pamphlet, after a brief sketch of Charles McClung, continues:

"John Ailor Gammon I have not been able to individualize from a large and respectable family of that name in this state."

You must permit me here a parenthesis, in which to record expression of my profound regret that a personage who bears so important a part in the early history of our commonwealth—the man who, as my citations from this interesting historical document will soon make plain to you, "solitary and alone," aided only by his fertile brain, his good right arm, his trusty jack-knife and a semi-cymling of melted lead (possibly left over

from King's mountain), evolved the first great seal of the state—should be to us of this latter day merely “the shadow of a name”; and my regret, in which I am sure you poignantly join, is intensified by the reflection that that name should be the very significant one of “Gammon.”

I quote further from the Henderson pamphlet:

“On conference of the committee, each member submitted a design for the seal.

“Gammon presented the gathering of the clans at Sycamore shoals, on the Watauga river, preparatory to the march to attack Ferguson, at the moment the draft was taken. This was the only time a military draft was ever resorted to in this state, and its purpose was to allot men who should be compelled to stay at home.

“Sevier's design was the block-house or ‘barracks’ at Knoxville, from which a sortie of soldiers was rushing in an attack upon besieging Indians. His remains now sleep on the spot indicated.

“McClung's design was finally agreed upon, reported and adopted on the 28th day of March, 1796, *and is our seal to-day.*” (Italics mine.)

Here follows a very significant paragraph, which indicates the source from which our historian derived all of the remarkable information which he has given and is yet to give us. It is as follows:

“I have been taught by your first president, the annalist of Tennessee, who knew that committee and most of the actors on ideas that were caught and perpetuated by that typification.”

The reference is obviously to the late Dr. J. G. M. Ramsey, although he was not, as you know, the first, but the fourth, president of the Tennessee Historical Society.

After a long recapitulation of the existing conditions in Tennessee in 1796, including a reference to the strong feeling with regard to the free navigation of the Mississippi river, vehemently asserted to be an inalienable right of the new state, but not conceded by Spain, Col. Henderson goes on:

“After the design presented by Charles McClung had been agreed upon, reported and adopted, the question arose, how could one be prepared? It was needed immediately. It required a kind of work not usual in the settlements, for they had

strength of arm rather than cunning of hands. Finally, John Ailor Gammon, deputy clerk of the district court and one of the committee, undertook that task; and his method of procedure was to the last degree primitive. He sawed a cymling half in two, and filled one half with molten lead, and on the flat surface, with a pocket-knife, he rudely fashioned, as best he could, the insignia of the original seal of the state, which was used by Gov. Sevier for some time, until a more pretentious substitute could be fashioned. This quaint relic fell into the hands of Dr. Ramsey, and was preserved by him, intended for this society, together with many other mementoes of Tennessee history, till his dwelling was burned during the war, by an act of vandalism, and all were lost.

"Such is the simple story of the birth of the first seal, and the interpretation of its rude but pregnant devices.

"It was desired to be shown that she was the sixteenth in the galaxy spanning the political firmament. . . .

"Next came the insignia of permanent farm life, under which latter-day wisdom (for the two words were not in the original) has added 'Agriculture.' They mean 'peace' and 'home,' and a contented country, in contradistinction from a hunter's camp or a soldier's foray, while seeking such a place. Rising up from the wilderness, the young state indicated to her children that she gave them the promised land, where the spear should be bent into the pruning hook and the sword beaten into the plow-share.

"Lastly, the 'broad-horn,' an elaboration of and improvement upon the simple flat-boat yet so common upon our rivers, meant more than is vaguely understood by the word 'Commerce.' It means a defiance to the king of Spain! Contrary to your blandishments and in spite of your gold, we will remain true to the government we won at King's mountain and Yorktown; and as to your threat of occlusion, we write it down in our political creed and emblazon it on our shield that the waters of the Mississippi are ours, and bear our rights upon their bosom to the port by the sea. . . .

"These were the ideas dominant in Knoxville on the 28th day of March, 1796, and such is the seal to perpetuate them.

"Look upon it, as the Jews saw their first rude twelve-stone monument beyond Jordan, that it may be a sign among you,

that when your children ask their fathers in time to come, What mean ye by these stones? that ye shall answer them how ye have this day passed over Jordan into this land, and these stones shall be a memorial unto the children of Israel forever!'"

Thus eloquently and piously concludes one of the most remarkable historical monographs of modern times.

Before beginning an exposure of the numerous erroneous statements contained in Col. Henderson's paper, it is proper for me to say that he was notified, some months ago, that it was my purpose to reply thereto, and that he was asked to substantiate his assertions; and that his sole response was that he "did not care to enter into a controversy" with me concerning the matter. Col. Henderson is my personal friend, and I will not seem to occupy the attitude of attacking him unaware. He has, unfortunately, mistaken tradition for history, and confounded fiction and fact: it is my unpleasant duty, but none the less my duty, to set him right.

The statements made in Col. Henderson's paper which I classify as erroneous are of two kinds: first, those which I believe to be misstatements, because they are improbable in the light of undisputed facts and are not susceptible of proof by any existing records; and, second, those which I know to be erroneous, and can prove to be such by means of official documents.

Col. Henderson says that, "after the organization of the new state . . . the first act passed was the incorporation of Blount College, now the University of Tennessee." This is an error, and one which might have been easily avoided by the simple process of consulting the printed statutes. The act for "the establishment of Blount College" was passed, not by the first legislature of the state of Tennessee, in 1796, but by "the governor, legislative council and house of representatives of the territory of the United States of America south of the river Ohio." in 1794. (Roulstone's compilation of the laws of Tennessee, p. 43, ch. xviii.) The first act passed by the legislature of the state was one "ascertaining the number of judges of the superior courts of law and equity, and fixing their salaries, and directing their qualification to office." (Ib., p. 69, ch. 1.) The second act was not, as stated by Col. Henderson, one which "made some military provisions," but an act "directing the mode of the qualification of the secretary of state into office." (Ib., p.

70, ch. ii.) It is difficult to understand how such obvious blunders as these could have been incorporated into a grave historical paper, prepared for a historical society, and afterward printed for general circulation.

The assertion of the passage of an "act" for the appointment of a committee to design a seal is still more remarkable. The proper legislative procedure for the appointment of a committee to design a seal would not have been the passage of what is technically known as an "act," but the adoption by both houses of a joint resolution for the appointment of such committee; and, in the event the legislature had determined upon this course, it is hardly probable that it would have gone outside its own membership to constitute the committee. It is simply impossible that an "act" authorizing the appointment of a committee could have passed three readings in each house, the committee have been named, the necessary meetings have been held and the three designs submitted by the three members respectively have been properly considered, the committee's report have been prepared, submitted to and adopted by the legislature—it is impossible, I say, that all these things could have been done, as asserted by Col. Henderson, in such sequence as to have been completed "on the 28th day of March, 1796," for the unanswerable reason that this was the very day on which the legislature assembled for the first time! As a matter of fact—as a matter of indisputable official record—no committee "for designing and reporting a great seal for the state" was suggested, authorized or appointed by the legislature of 1796; and the one single mention of a state seal in the entire journal and acts of that body is contained in chapter iii of an act passed April 20, prescribing the duties of the secretary of state, the fifth section of which reads: "The governor shall cause a seal of this state to be provided: and all copies of records and papers in the said office, authenticated under the said seal, shall be evidence equally as the original record or paper." (Roulstone, p. 71, ch. iii.) This provision was based on sec. 15 of art. ii of the constitution adopted in the previous February, which prescribed that "there shall be a seal of this state, which shall be kept by the governor, and used by him officially, and shall be called 'the great seal of the state of Tennessee.'"

Col. Henderson's narrative continues:

"After the design presented by Charles McClung had been agreed upon, reported and adopted, the question arose, how could one be prepared? It was needed immediately. It required a kind of work not usual in the settlements, for they had strength of arm rather than cunning of hands."

The governor evidently thought so: for, under date of April 25, 1796—five days after the passage of the act by the provisions of which he was for the first time authorized to procure a seal—he wrote to Senators Blount and Cocke, then in attendance upon their official duties at Philadelphia, a letter, of which the following is a literal copy, transcribed by me from the official records:

Knoxville 25th April 1796

To the Senators in Congress

Sir—Since your departure from this place very little have occurred the Assembly adjourned on the 23rd There was great exertions made for taxing the indian lands, and on the other hand every prudential method taken to obstruct the passage of the bill, which was effected, and by which means there is not any new act for taxation.

By an act of the assembly, the Governor is empowered to provide a Seal for the use of the State, and there being no proper artist (in my opinion) in this State competent to the completion of a seal that might be considered and thought sufficient; you will pardon me Sir, when I take the liberty to request, that our Senators, will take the trouble on themselves to have a suitable seal made, and provided, at the expense of the State; you will have it in your power among the great number of ingenious mechanic's that are to be found in the city of Philadelphia to have such a one made, as will be elegant, comprehensive, and sufficiently expressive, of the purposes and use the same is intended for.

I hope your attention will not be lacking, to endeavour for to procure the monies due the officers and privates for their services, in the late expedition against the Cherokees, under my command; I flatter myself that the present Secretary of the War department will consider the propriety and legality of the measure.

I have the honor to be with sincere and much esteem

Your mo. obt. & very Huml. Servt.

JOHN SEVIER

This is manifestly the letter which caused Ramsey ("Annals," p. 676) to assert that the first great seal of the state was engraved in Philadelphia, under the direction of the United States senators from Tennessee. He doubtless took it for granted that they complied with the request of the governor; but it is evident, from subsequent events, that they did not, and the consequence was that the new state worried along without any seal, "great" or small, except the private seals of Governors Sevier and Roane, for six years thereafter. The failure of the senators to have a seal made is probably due to the fact that they had very little time left in which to attend to the matter—congress adjourned within less than a month after they received Governor Sevier's letter—and in the press of more important business, and the harassment consequent upon the uncertainty as to the admission of the state, they no doubt neglected to have the seal made.

I have asserted above that there was no official seal of the state for six years after the date at which Col. Henderson asseverates that John Ailor Gammon's "cymling seal" was adopted and began to be used as "the great seal of the state of Tennessee." The proof of this is easy—negative proof, it is true, but irrefragable. I have spent many days in the careful but persevering and minute examination of the official records preserved in the office of the secretary of state—it is not my habit to undertake the preparation of a historical paper without exhaustive research into all accessible documents bearing upon the subject to be treated. I have untied and read hundreds of bundles of papers, from which I had first to brush the accumulated dust of a century; I have turned, leaf by leaf, the pages of scores of manuscript volumes of official records, covering the period from 1794 to 1802; I have read thousands of pages of the printed journals and acts of the Tennessee legislature; and, as the result of all this toil and care, I assert in this presence, and defy contradiction from any, these propositions:

1. I assert that there is not now in existence, on any paper or document of any kind, official or other, an impression of the so-called "cymling seal," and that there is no man now alive who ever saw an impression of such seal.

2. I assert that there is not now in existence, and that there never has been in existence, any official document, signed by

John Sevier as governor of Tennessee, from the date of his first inauguration, March 30, 1796, to the date of the inauguration of his successor, September 23, 1801, in which any reference is made to a state seal; and that, on the contrary, every one of such documents—and there are hundreds of them on file in the office of the secretary of state, all of which I have examined—in which any allusion is made to a seal, concludes with the invariable formula, "Given under my hand and seal."

3. I assert that all official documents signed by Gov. Roane, up to April 24, 1802, conclude with the same formula; and that the first instance in which "the great seal of the state" was ever used for any purpose whatsoever was on the date named.

4. I assert that there are in existence many hundreds of documents, signed officially by Governors Sevier and Roane, from 1796 to 1802, concluding with the formula quoted above, to each of which is attached an impression of the private seal therein alluded to as "my seal." That originally used by Sevier consisted of a monogram of the letters "J. S." in script, surrounded by an oval rim. An impression of this seal is shown with this paper. Later, he used another private seal, an impression of which I exhibit herewith. I have found quite a number of impressions of this seal, but owing to the imperfect manner in which it was engraved, none of them is clearly legible. Examined under a powerful microscope, it appears to represent a shield, behind which are two crossed sabres, and on the left and right sides of which respectively are a wreath of laurel and a wreath of oak. Here is room for fancy to play; and it is not too wild a flight to imagine that Governor Sevier, recognizing the necessity for a seal which should mean something, gave a commission to one of "the ingenious mechanics to be found in the city of Philadelphia." to whom he referred in the letter to the Tennessee senators, heretofore quoted; and that this artisan, recalling the exploits of Sevier's sabre and the general acclaim with which his constituents had hailed them, devised the seal which he used for half a decade as "my seal," and which was used by him until the "great seal of the state," adopted by the legislature of 1801, was delivered to him.

5. I assert that there was never at any time in existence any official "seal of the state of Tennessee" until the seal authorized

by the legislature of 1801 was adopted, manufactured and used, by virtue of legislation which I shall hereafter set forth.

The authentic history, taken from official records, of the inception and adoption of "the great seal of the state of Tennessee," as prescribed by the constitution of 1796, is as under.

For reasons which it seems now impossible to ascertain, the first, second and third general assemblies—with the single exception of the act passed April 20, 1796, which I have already cited—made no effort to provide a state seal. The first attempt in that direction was made by the fourth general assembly. The record is as follows:

In the senate, Saturday, September 26, 1801 (journal, p. 38), "on motion of Mr. Taylor, seconded by Mr. Rutledge, a committee was appointed to contract with a suitable person to cut a seal and make a press for this state, and Mr. Taylor and Mr. Rutledge appointed on the part of this house.

"Ordered, that the clerk inform the house of representatives thereof.

"On motion of Mr. Taylor, seconded by Mr. Lea, a committee was appointed to prepare a motto and device for a seal of this state, and Messrs. McMinn and Outlaw were appointed on the part of this house.

"Ordered, that the clerk inform the house of representatives thereof."

In the house of representatives, Monday, September 28, 1801 (p. 37), "the message from the senate on Saturday last, proposing to appoint a committee to contract with a suitable person for cutting a seal and press for the use of the state, and also proposing that a committee be appointed to prepare a device and motto for a seal, was taken up and read and agreed to.

"On motion, ordered that Messrs. Bean, Harman, Harrison and Woods be a committee on the part of this house to contract for cutting a seal for the use of the state; and that Messrs. Glack, Cantrell, Stewart and Lillard be a committee to prepare a device and motto for the same.

"Ordered, that a message go to acquaint the senate therewith, which was sent accordingly."

It will be noticed that both the senate and the house resolutions direct the committee to "prepare a motto and device" for the seal—that is, to invent them. This seems effectually to

dispose of Col. Henderson's fanciful "interpretation of the rude but pregnant devices," including the riparian threat to "sing the beard of the king of Spain," alleged to have originated in the imagination of Charles McClung, and to have been committed to immortal lead by the facile jack-knife of John Ailor Gammon, five and a half years before. It does not appear credible that, if the legislature of 1796 had adopted the seal described in Col. Henderson's paper, and it had been engraved and used, another legislature, convening within less than six years thereafter, should have been so utterly ignorant of all this as to appoint a committee to "prepare a motto and device," and that this committee should have accidentally hit upon precisely the same seal—for, as I shall show a little further on, the design of the seal reported by the committee of 1801 was identical with that alleged to have been devised by Charles McClung, "reported and adopted on the 28th day of March, 1796," which, in the words of Col. Henderson, "is our seal to-day." It is of course now impossible to ascertain to whose genius we owe our present seal; but that the credit is due to some member of the committee of 1801, or to some unknown contemporary, does not admit of doubt.

Again, if the committee on "motto and device" had found a design ready to their hand, it is difficult to understand why they did not report it immediately, instead of delaying the report for nearly two months—for it was not submitted in the senate until November 14. It is as follows (journal, p. 181):

"Mr. Outlaw, from the committee appointed to devise a motto and seal for the state, reported: The said committee report that the said seal be a circle, two inches and a quarter in diameter; that the circumference of the circle contain the words, 'The great seal of Tennessee'; that in the lower part of said circumference be inserted 'Feb. 6, 1796,' the date of the constitution of this state; that in the inside of the upper part of said circle be set in numerical letters 'XVI,' the number of the state in chronological order; that under the base of the upper semicircle there be the word 'Agriculture'; that above said base there be the figure of a plough, sheaf of wheat and cotton plant; that in the lower part of the lower semicircle there be the word 'Commerce'; and said lower semicircle shall also contain the figure of a boat and boatman."

The foregoing report was immediately transmitted to the house of representatives, where, on the same day (house journal, p. 133), it was "read and concurred with."

I present herewith an original impression of this first seal, attached to an official document bearing date April 13, 1803—less than a year after its use began. It will be noticed that the legend at the top reads, "The great seal of the state of Tennessee," instead of merely "The great seal of Tennessee," as reported to and adopted by the legislature. By what authority the extra words were inserted it is impossible now to ascertain; but as they unquestionably improve the dignity of the seal, we need not quarrel with an unknown memory.

By comparing this original seal with that now in use—an impression of which I show you—it will be seen that "Feb. 6" has been dropped from the date, which now retains merely the year, "1796." This was probably done by subsequent legislative enactment; but as I have not had the leisure to examine the journals and acts since 1801 page by page, I have not yet been able to ascertain when it was done.

November 13, the committee previously appointed to contract for the making of the seal and press reported as under (senate journal, p. 165):

"The committee appointed to contract for cutting a seal for this state and making a press for said seal, report that they have contracted with William and Matthew Atkinson for the same, in the manner following. The seal is to be cut on steel [*sic*] and well hardened, agreeably to the plan and device reported by the committee appointed for that purpose. And the press is to be made of the following dimensions. The screw is to be six and an half inches in length, and two inches in diameter; the box at least four inches; the seal to rise one inch and an half with half a turn of the screw, and a sufficient spring to throw the screw half round. The whole of the press to be of iron, the width of the press to be eighteen inches, and of a proportionable height; and the said William and Matthew Atkinson have agreed to keep said seal and press in repair so long as either of them reside in this state, for which they are to receive one hundred dollars. They have also contracted and agreed that the said work shall be done and delivered to the governor within three months after the rise of this assembly, and that they

are not to receive any compensation for the same until the work is done and the same is received by the governor.

"All of which is submitted.

"GEORGE RUTLEDGE, Chairman.

"Which being read was concurred with."

This report was immediately transmitted to the house of representatives, and on the same day (house journal, p. 132) was "read and concurred with."

Nothing in the entire course of my investigation into the origin of our state seal has led to more curious results than my endeavor to establish the identity of its manufacturers. That the "William and Matthew Atkinson" mentioned in the foregoing report were, at the time the contract was made with them, residents of Tennessee is apparent from the clause with reference to their agreement to keep the seal in repair; and it seemed clear that they must have lived either at Knoxville or at Jonesboro, the only two towns of sufficient importance at that time to have maintained an engraver. After much correspondence, I was finally enabled, through the kindness of my friend Captain John Allison, whose knowledge of East Tennessee genealogy is equal to his familiarity with the recondite occurrences of Tennessee history, to obtain some very interesting facts. I am informed by Mr. James E. Dosser of Knoxville that William Atkinson, who was his great-grandfather, was an engraver and silversmith; that he was engaged in that business at Jonesboro in 1801; and that his wife Martha, who was also an engraver, was his partner and assistant. There is no family record or tradition of any "Matthew" Atkinson; and it seems altogether probable that the word which appears as "Matthew" in the printed journal was originally written "Martha," and was transmogrified by some stupid male printer whose small mind was incapable of grasping the stupendous fact that a woman could be a partner in a business firm. We who live at the end instead of the beginning of the nineteenth century are not unwilling to entertain the pleasing belief that the hand of a woman helped to cut the first "great seal of the state of Tennessee."

The Atkinsons were a family of engravers, and were said to have been very expert in their craft. They followed the trade from generation to generation, and so late as 1885 a lineal de-

scendant of William and Martha Atkinson was engaged in the same business at Jonesboro.

The original Atkinsons did not comply with their contract so far as the time limit was involved. "Three months after the rise of this assembly" made the date at which the seal should have been delivered to the governor February 14, 1802; but it was not until the following April that the work was completed and the seal delivered. Proof of this is at hand. In the manuscript volume, preserved in the state archives, in which were copied all the proclamations, orders, treasury warrants and similar official documents issued by the early governors, are two which settle not only this fact, but also the date of the first use of the new seal. Both are treasury warrants, signed by Gov. Roane. One, dated March 23, 1802, has the familiar formula, invariably used by both Sevier and Roane up to that date, "Given under my hand and seal." The other, which is the next official document in point of time, following on the succeeding page, is of such historic importance that I give it in full:

"ARCHIBALD ROANE GOVERNOR OF THE STATE OF TENNESSEE

"To John Maclin esquire Treasurer of the Districts of Wash-
ington and Hamilton.

"Pay to William and Matthew Atkinson one hundred dollars in full compensation for making the great Seal of the State, and a press to work the same, agreeably to their contract with the Legislature, and this shall be your warrant for so doing.

"In testimony whereof I have hereunto set my hand and caused *the great Seal of the State* to be affixed at Knoxville this 24th day of April 1802.

(signed)

"ARCHIBALD ROANE

"By the Governor.

Wm. Maclin, Secretary."

This document settles two points—one probably, the other certainly. It is probable that the Atkinsons received their warrant in payment for the seal on the day it was delivered to the governor. However this may have been, it is absolutely certain that on the 24th day of April, 1802, "the great seal of the State of Tennessee" was used for the first time in the history of the

commonwealth, and that of course there had never been any pre-existing state seal of any character.

I have thus demonstrated beyond question, from the official records of the state, these facts:

1. The state constitution, adopted February 6, 1796, made provision for a "great seal of the state."

2. The first legislature of the state of Tennessee passed an act, April 20, 1796, requiring the governor to "provide" the seal prescribed by the constitution.

3. The governor, in obedience to the requirement of the act alluded to, and within five days after its passage, took steps to have a seal made in Philadelphia; but this effort on the part of the executive, for some reason which we can now only conjecture, was not successful.

4. The only seal used by either Gov. Sevier or Gov. Roane, at any time prior to April 24, 1802, was a private seal; and no "great seal" or other seal of the state was ever used on any document, official or other, before the date last named.

I have effectually disproved the following allegations:

1. That the legislature of 1796 authorized the appointment of a committee to design and report a state seal.

2. That any committee presented to the legislature, on March 28, 1796, or at any other time prior to 1801, a design for a state seal.

3. That the "cymling seal" alleged to have been made by John Ailor Gammon, in 1796, was ever at any time used by any governor of Tennessee.

All this being true, shall we then assert that Col. William A. Henderson of Knoxville has deliberately and intentionally misstated historical facts, or invented alleged facts? Assuredly not. Col. Henderson is an honorable gentleman, wholly incapable of such duplicity. How then shall we explain the story of the alleged "cymling seal" produced by the supposititious jack-knife of the mysterious John Ailor Gammon—a story which is unquestionably very largely a work of the imagination? My explanation—the only plausible one which I can devise—is this: Dr. Ramsey probably had in his possession at one time a half-cymling, in which some one unknown, at some time unknown, had poured melted lead, and on its surface, for what purpose of use, amusement or mystification we can only conjecture, had

rudely carved the semblance of the state seal, or some design which was mistaken therefor by the credulity of some zealous relic-hunter; there was possibly a hazy local tradition about Knoxville that this seal had been designed by one Gammon, and as its existence had to be accounted for, the tradition, as traditions have a habit of doing, "grew by what it fed on," and, nourished by local pride, attained such proportions that it was large enough to comprehend a mythical committee of three, with designs for seals, and consultations, and reports to the legislature, and all the customary paraphernalia of committees. Dr. Ramsey died in 1884, a very old man; for many years previous to his death, although his intellect was unimpaired, his memory was very untrustworthy; and while it is impossible that he should have stated to Col. Henderson, or to any one else, anything which he did not believe to be true, it is incredible that he should have remembered all the details contained in Col. Henderson's pamphlet with regard to the origin of the state seal, not one of which is or ever has been a matter of record, and all of which the official records of the state utterly disprove. The truth of the matter would seem to be that Dr. Ramsey, in his old age, communicated to Col. Henderson a tradition which was dimly floating in his memory; and that our good friend the Colonel, struck by the romantic interest of the story, accepted it as a fact, and put it into a paper, and then perpetuated it in a pamphlet, without subjecting it to the crucial searchlight of that critical investigation which every writer who is emulous of absolute accuracy should always apply to alleged historical facts.

PAPERS OF GEN. DANIEL SMITH.

[From the Tennessee Historical Society's Collection.]

[Daniel Smith, son of Sarah and Crosby Smith, was born in Overwharton Parish, Stafford County, Virginia, October 24, 1748, and died at his home in Sumner county, Tennessee, June 6, 1818. The register of Overwharton Parish states that his parents were English, and there is some reason to believe that they had first settled in Maryland.

Daniel Smith was educated at William and Mary College and, like many distinguished men of his time, became a surveyor. In the work of this profession he was so accurate that it is said his surveys never needed correction; and it was probably for this proficiency that he was selected, with Doctor Thomas Walker, as a Commissioner of Virginia to extend the line between that State and North Carolina, which had been previously run by Jefferson and others.

In a letter addressed to Governor Harrison, July 6, 1792, Colonel William Preston writes of him: "Colonel Daniel Smith, a very worthy officer, who lives on Clinch, will be a very proper person, under Colonel Campbell's direction, to take charge of these troops," etc. In a letter written by Colonel William Fleming, September 4, 1782, he is spoken of as having been a member of a Commission to settle land claims in Washington and other counties. He several times represented his county in the General Assembly of North Carolina.

In 1785 he was one of the Trustees named in the act incorporating Davidson Academy, and actively discharged the duties of this position until 1805. At the organization of the first court of Sumner county, in 1787, his name appears first in a list of Justices, which included Winchester and Hall. When Sumner was subsequently divided, the new county thus made was called Smith in his honor. In 1790 he was appointed by George Washington Secretary of the ceded Territory south of the River Ohio, and during his term of office was frequently acting Governor. He was one of five delegates from Sumner county to the Convention of 1796 called for the purpose of forming a Constitution or permanent form of government for Tennessee, and was chairman of the committee which reported to the Convention the Bill of Rights. This Convention sat twenty-seven days and framed a Constitution which remained unaltered until 1834. General Smith was elected by the first Legislature of Tennessee one of four presidential electors. In 1798 he was appointed to the United States Senate to fill the vacancy caused by

the resignation of Andrew Jackson, and was again Senator from 1805 until his resignation in 1809. He seems to have at that time permanently retired from public life, and spent his remaining years in the development of a magnificent estate on Drake's Creek, in Sumner county, which he had acquired many years before, and which is yet owned by his descendants; and where, in 1794, he had built Rock Castle, a house constructed of cut stone, which is in perfect preservation and in which five generations of people have lived.

Michaux, a French botanist who passed through Tennessee in 1802, and who published a book of travels after his return to France in 1805, speaks of a visit to Rock Castle, the extensive fields of corn and cotton which surrounded it, the large library which it contained, and the calm and dignified life which its proprietor, then a retired public servant, spent there.

General Smith made the first map of the Territory which became Tennessee, which was published by Carey of Philadelphia and was used by Imlay in 1794.

General Smith was a man of sound judgement, marked ability, and strict integrity.

Living at a time when many men in public life were, justly or unjustly, the objects not only of censure, but of grave and official accusation, he was a holder of office for more than a quarter of a century without criticism or suspicion so far as is disclosed by the written history of the State.]

State of North Carolina

To Daniel Smith Esquire, Greeting.

We reposing special trust and confidence in your patriotism, valour, conduct, and fidelity, Do by these presents, constitute and appoint you Brigadier General in the District of Mero in the said State—

You are therefore carefully and diligently to discharge the duty of Brigadier General by exercising and well disciplining the officers and soldiers under your command, and by doing and performing all manner of things thereunto belonging: And we do strictly charge and require all officers and soldiers under your command, to be obedient to your orders as Brigadier General and you are to observe and follow such orders and directions, from time to time, as you shall receive from your superior officers, according to the direction military discipline and the laws of the State.

Witness, Samuel Johnston, Esquire, our Governor, Captain-General, and Commander in Chief, under his Hand and the Great Seal of the State, which he has caused to be hereunto affixed,

at Fayetteville the 29th day of November . . . Anno Domini, 1783 and in the thirteenth year of our Independence.

Saml Johnston.

A list of surveys Delivered to Anthony Bledsoe to deliver to the Secretary, October 7th 1785.

Survey'd by Daniel Smith,

Samuel Hayes	preemption	No. 205.
Robert Gwans	Do	640, a 566
William Stewarts	Do	640, a 247
Edward Hogan	Do	640, a 278
Anthony Bledsoe	Do	6280, a. 42. 108 & 109
Benjamin Drake	Do	320, a 165
Henry Ramsey	Do	960, a 661
Amos Heaton		640, a 338
Heirs of Samuel Murray		640, a 128
Jourden Gibson		640, a 249
Robert Steel		640, a 280
Isaac Bledsoe		1196, a 56
Magnus McDonald		640, a 766
Samuel Mosley		640, a 443
Elmore Douglas		640, a 222
Isaac Shelby		640, a 501
Do	Do	5000, a 240

Rec the above Warrant

I Glasgow.

March 11th, 1787.

Dear Sir,—

I am happy to hear of your safe arrival at home, I have heard you have a few deeds for me. I am extremely obliged to you for the Trouble you have taken. I would have been happy to have attended for them myself but could not. you will Please to send them to me by the Bearer,

Your compliance will

Oblige your friend

& Humble servnt,

Robert Hays.

Col. D. Smith.

It is a common mistake to suppose that the only way to get the best results is to use the most expensive and elaborate apparatus. In fact, the best results are often obtained by the use of the simplest and most common apparatus.

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Amount	Percentage	Amount
\$100.00	100%	\$100.00
\$50.00	50%	\$50.00
\$25.00	25%	\$25.00
\$12.50	12.5%	\$12.50
\$6.25	6.25%	\$6.25
\$3.12	3.12%	\$3.12
\$1.56	1.56%	\$1.56
\$0.78	0.78%	\$0.78
\$0.39	0.39%	\$0.39
\$0.19	0.19%	\$0.19
\$0.09	0.09%	\$0.09
\$0.05	0.05%	\$0.05
\$0.02	0.02%	\$0.02
\$0.01	0.01%	\$0.01
\$0.00	0.00%	\$0.00

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February 13th, 1789.

Sir,—

I had the pleasure of seeing Capt. Fargo yesterday who put me under obligations of seeing you this day, but as the weather seems dull and heavy it prevents my coming up; but, commit to you in this small piece of paper the business he wants with you. He expressed a great friendship for the welfare & harmony of this country, he wishes to become a citizen and trade to this country by which means and through you I think he can have a lasting peace with the Indians; he wishes you to write to the governor informing him of the desire of a commercial treaty with that country; he will then importune the governor for a privilege or permit to trade to this country which he is sure to obtain as he is related to his Excellency; then he will show the propriety of having a peace with the Indians for the purpose of the benefit of the trade of this country; and also show the Governor the respect this country honors him with by giving it his name. He bears the commission of Capt under the King of Spain which is a honorable title in that country and can in my opinion do a great deal for this and hopes you will do him the honor as to see him upon this occasion, before he sets out for the Orleans and I think it the only immediate way to obtain a peace with the savage. I hope you will consider it well and give me a few lines upon the occasion by C. W. Donelson who hands you this as I have the good of this country at heart and I hope also if you will do Mr. Fargo the honor to go and see him upon the occasion; as you go down you will give me a call as I think I could give you some satisfaction on this subject, this, sir, from your

very humble servant,

Andrew Jackson.

Genl D. Smith.

Danville, 6th April 1789.

Sir,—

I wrote you in answer to your letters by Mr. Casey concerning Eskeridge or rather Wilson's Preemption. I wish you to inform me what is done in it & I will contrive it to Col. Eskridge. No money has yet been lodged in my hands, and what I have done was an act of friendship.

Money is too scarce with me to be advancing and lying out especially when I find remittances so difficult.

A friend of mine Mr. John Overton has lately gone to your county in order to practice the Law and being a Stranger I take the liberty of introducing him to you as a young Gentleman of an unexceptional character, and I wish him to receive all due encouragement, and if it is not too great a trespass I wish you to make him known to your acquaintance, and the favour shall be thankfully acknowledge by your

Obd Hble Sernt

Christopher Greenup.

Col. Danl. Smith

In care of Jno. Overton Esq.

N. Carolina Caswell County

Sept. 14th 1789.

Dear Sir

The length of time nor the distance we are separated has not made me forget you. And I am now happy that I have it in my power to write you by Mr John Winsor. There has been in this country for some time past great devitions amongst the People respecting the new form of Government, But I flatter myself it will in a short time be at an end, as it is Generally believed this ensuing Convention will exceed to the new Constitution.

I will be very happy to receive a letter from you by the bearer with your opinion respecting your country, and the disposition of the Indians at presant, and if any friendship may be expected from them at a future day. I have sent you one paper which (is) all (I) have. Mrs. Reid joins with me in compliments to you and Mrs. Smith.

I am Dear Sir

Yours Respectfully

Col. Daniel Smith

John Reid.

Cumberland.

Salem Aug. 16, 1790.

Dear Sir

I congratulate you most cordially on the Justice done you by the Supreme Government of the Union by appointing you Sec-

retary to the Ceded Territory South of the Union; the salary is the same as that of the Secretary to the Territory West of the Ohio and if I remember well, five or six hundred dollars per annum. You are now, Sir, personally interested in having the seat of government within the District of Mero and hope therefore you will use your very great influence to fix it there, tho I was informed on Holston that our Governor had determined to reside about the mouth of French Broad.

The County of Davidson having appointed me their agent to settle their accounts with the Assembly of North Carolina I shall necessarily be obliged to attend at Fayetteville for that purpose and should the County of Sumner have any business to transact there I would serve them with pleasure to the best of my abilities.

Hostilities are actually begun betwixt Spain and Great Britain; this event will render flour an article of great demand at New Orleans. Congress talks already of adjourning till next March without having as yet done anything very capital. The plats of Phillips and Campbell I wish most ardently to have returned, and all the Grants for Mero I shall take out with me from Fayetteville.

Believe me with very high esteem

Dear Sir Your most obdt servt.

J. C. Mountfloreence.

The Honble Brig-Genl

Daniel Smith

Sumner County

Cumberland River

Mero District.

Governor Martin's Sept. 6th 1790

Dear Sir:

By the Bearer Major Farrowgood I forward to you a letter committed to my care by the Secretary of State inclosing for you a Commission of Secretary of the ceded Territory of the United States South of the River Ohio. I beg leave to assure you that I have great pleasure in your appointment and to tender to you my very sincere congratulations. You doubtless have been informed that the President of the United States has been pleased to honor me with the appointment of Governor of that Territory.

I had proceeded thus far on my way and had intended to have been in a few days within the Territory but here I have met some unexpected information which renders an immediate visit to the President necessary. I shall hasten to him and be with you that is within the ceded Territory as soon as possible; in the meantime I trust the administration of the Laws of North Carolina will go on in the same manner as if no Cession had been made or accepted; for as yet you—I mean the people of the ceded Territory—are not informed officially by the Governor of North Carolina of the acceptance and this must be done.

I have his Proclamation to that effect which I shall bring with me and publish as a necessary previous step to the taking the Government upon myself. The want of the requisite papers from the office of the Secretary of State and a severe indisposition preventing my setting out earlier from my late residence. It was as late as the 18th of August before they reached my hands owing to the distance and the delay of the Post.

Until that time I could not get a copy of the Ordinance for the Government of the ceded Territory north west of the River Ohio and without that you know nothing could be done. A single copy could not be found in North Carolina. I send Judge McNairy a copy in manuscript and wish I had one for you.

By undoubted authority but not officially I am informed that McGillivray has on the part of the Creeks formed a treaty with the United States an event that I rejoice at as it must undoubtedly be productive of good consequences to our Territory. I feel myself much indebted to you for your friendly recommendation of me to your Congress friends to the appointment of Governor for which I beg you to accept my thanks; and to believe me with great respect.

Your obedient

Wm. Blount.

General Daniel Smith.

Dear Sir

Should you have occasion to write to Mr. Sanders by Mr. Hendricks would you be so kind as to mention the Land in as pressing a manner as you think my case requires. Should it be convenient to mention my paying you the money due from Mr. Sanders it shall be ready on your return or work (I mean saw-

I feel, however, that the only way to avoid this is to let the people know the truth. I have seen too many people who are misled by the press and the government. I want to tell them the truth. I want to tell them that the government is not what it seems. I want to tell them that the press is not what it seems. I want to tell them that the people are not what they think they are. I want to tell them that the only way to save the country is to let the people know the truth. I want to tell them that the only way to save the country is to let the people know the truth. I want to tell them that the only way to save the country is to let the people know the truth.

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Yours sincerely,

John Brown

General James Smith

Dear Sir,

I have just received your letter of the 10th inst. and in reply to inform you that the same has been forwarded to the proper authorities. I am sorry to hear that you are feeling unwell, and I hope that you will soon be able to return to your duties. I am, Sir, very respectfully,

ing) to the amount. The remainder should I get the land shall be paid on short notice. Mr. Sanders may perhaps fear laying himself lyable and doubt my ability to pay. I should be glad you would speak as favourable as you can with justice to yourself and your Humble Servant

Genl. Smith
by Major Douglass.

Henry Bradford.
7th Sept. 1791.

Mr. Greenaways Six Miles
above Abingdon Sept. 23, 1791.

Dear Sir

I am here informed that Colonel Campbell is at Abingdon and with him I suppose the letters which we had heard were in his hands so that I shall not see them. I write him from this place and desire him to forward them to you at Capt. Amis's. I consider myself unfortunate in not coming through Abingdon as I intended when I left you but it was so late in the day that we could not reach Craig's and there was no other good stage on that road. We stayed at Blevin's. Happiness attend you.

Wm. Blount.

Genl. Smith.

Knoxville Sunday Jany 6 1792.

Dear Sir

Findleston has arrived, Mr. Allison is expected in ten days, Congress it is believed will refer the question of war or not with the Cherokees to the President. Mr. Seagrove has lately or now is holding a treaty with the Creeks in St. Mary's where great presents are giving and from which much is expected. Watts has sent me a Peace Talk in which I believe he is sincere and I in return have sent him an invitation to meet me at So. West Point and agree on Terms of Peace. A cessation of Hostilities (at least) will surely take place. Part of the arms have arrived and the Remainder with the Brass cannon and ammunition may be expected in ten days. Some regular troops are ordered to this place and probably will be here in this month. My is not safe enough to trust more to paper. I am dear sir

Your obt. servt

Genl. Smith
Mero District.

Wm. Blount.

Manchester 2nd Feby 1792.

Sir:

Inclosed is a Receipt for the whole of your Goods which you have been pleased to leave at this place in my care together, with those of Governor Blounts, a duplicate of which for fear of an accident I have kept. Hoping you may receive them safe I am Sir

Yr. hble servt.
for A. Nicolson
Jno. Taylor.

Daniel Smith Esq
pr. Mr. Toncray

4 Boxes, 1 Trunk & 2 bundles.. 533 lbs.
3 Bbls nails 775

1308

Governor Blount presents his compliments to Secretary Smith and requests him to countersign the commission to Andrew McNairy of this date appointing him clerk of the District of Mero in the place of David Allison resigned.

March 5th, 1792.

Secretary Smith
in Sumner County.

Knoxville May 16 1792.

Dear Sir

I cannot better explain to you the Prospects of a Treaty with the Chickasaws and Choctaws than by begging you to read the Papers herewith enclosed. You will then please forward them under seal to Genl. Robertson.

Should you upon reading the papers find I have omitted anything essential or find any of the Parties failing in the Execution of their respective parts permit me to solicit your aid.

I go to-morrow to Coyatee to see a division made of the Goods for the first annual payment to the Cherokees.

I am dear Sir
Your obedient servant

Wm. Blount.

General Smith.

May the 22 day 1793.

Dear Sir

I take the freedom to write you a line or two, and can inform you that Mrs. Smith and famliy were well the other day. Hoping you are the same. I expect you have heard of the loss of our old friend Colo. Bledsoe and others; there have been two more killed near Nashville since your son left home. It was Thursdày last one was of the name of Brown and the other I disremember his name. As to any other news I have not any; if you remember I was speaking to you when I saw you last requesting you to have my son Wilson appointed Sheriff. I still request the same favour of you if you should think him deserving the place and hope you will recommend him to his Excellency the Governor. Should you not return by July Court I would be much obliged to you to enclose the commition in a letter and send it out. . . . I am satisfied that Wilson would be the choice of the Court. You will please to present my Best compliments to your son and accept of the same to yourself. I remain with real esteem, Your most obdt. and well wisher.

W. Cage.

The Honble. Daniel Smith, Knoxville.

Colonel Roddeys June 9 1793.

I shall advise you I feel very certain from Jonesboro to issue writs of election. The Opinion here is and I am told it is a general one that each county shall send that is elect one Representative and the Fractions if any shall be thrown away. I now believe it will be the best way.

The Judges met me but Cocke has not. It would be well to issue a Commission of the Peace to Phelps Read of Hawkins County. He is recommended by Col. Roddy. Mr. Roulstone goes with me to Jonesboro, by whom I shall write you fully—in the meantime be pleased to present my thanks to my fellow citizens for their address. Peace and happiness attend you.

Wm. Blount.

Genl. Smith.

Greenaways June 16 1793

Dear Sir:

The enclosed letters were delivered to me last night at this place by Mr. Read.

I presume you will order Capt. Evans with his Troop to the relief of Cumberland. Your better judgment will direct you better than I can advise how far to make them or any part of them public. But may it not be better to keep the contents pretty secret let it be supposed the order for turning out the militia is founded on them. Genl. Sevier highly approves the order and promises to enter heartily into the measure of using it to the best advantage.

Had you not best immediately on the Receipt of these letters dispatch an express to the General with orders to hold himself in readiness to take the field. He will understand the object of it. I have written him a letter from this place having in view the same object. I have directed Mr. Roulstone to shew the General both the Secretary's and Winchester's letters. I had a very long talk with the General; he rode with me ten miles and may be depended on as a friend to Government and its officers. Thompson and his son Blount Thompson may now return. You will no doubt feel the propriety of giving them presents equal to their expectations if they are not too extravagant.

I have partly promised Blount a rifle which must be complied with the price not to exceed 20 dollars.

In writing to the Nation I beg you to mention the change of name in such terms as will promise the most advantage. You may assure the Nation that my influence shall be used with the President to procure them aid of men in addition to articles they have received; that is I believe the U. S. will take a part in the war which will be to their aid.

I beg your care and attention to Mr. Ogden and my private affairs that is to keep a superintending eye and to give your advice. I shall make no delay at Philadelphia; my sole object is public business, to relieve the Frontiers if possible and return as fast as possible.

I am &c &c

Wm. Blount.

General Smith

The first step in the foundation of the nation was the establishment of a government.

This was done by the people of the colonies, who met in 1774 at the First Continental Congress.

The Congress declared the colonies to be free and independent states, and they agreed to support each other.

They also agreed to send delegates to a second congress in 1775, which would be the first meeting of the Continental Congress.

The second congress met in September 1774, and it was there that the Declaration of Independence was adopted.

The Declaration declared that the colonies were no longer part of Great Britain, and that they were now free and independent states.

The Declaration was signed by the delegates to the Second Continental Congress, and it was the first official statement of the new nation.

The Declaration was a bold statement, and it was a declaration of war against Great Britain.

It was a declaration of the colonies' right to self-government, and it was a declaration of their right to be free.

The Declaration was a declaration of the colonies' right to be free, and it was a declaration of their right to be independent.

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Withe County June 17 1793.

Dear Sir

I have just received a letter from Mr. Allison by Mr. David Deadrick dated the 15th May in which he informs me that I am anxiously expected by the President and the Secretary of War and that he has every reason to believe that on my arrival some thing decisive will be determined on against the Southern Indians.

If anything depends on me my exertions in favour of the Southwestern Frontiers will not be wanting.

A vigorous national war only can bring the Indians to act as they ought and that I hope we shall have this Fall.

Had you better not postpone the sending any part of Kerr's company to the Passing of Cumberland until the time advertised for the Guard to meet the families and then if nothing is done with Kerr let him and his Irishmen make a part of it. I do not see how any of the arms can be safely got to Cumberland.

I would advise letting the Frontier people of Washington District have such as they want. A Mr. Freeman a friend of Mr. Rickard, a clerk in the War office is appointed Quarter Master but he will not shortly be out that is he will not leave Philadelphia before my arrival.

I shall pass the mountain with Mrs. Blount, who with her party has thus far arrived safe, the day after to-morrow and the next day leave her and turn off for Richmond where I shall take the stage. I am and shall be truly anxious to hear from you: pray embrace every opportunity to gratify me—say to relieve my anxiety. I will be back as soon as possible. I entreat you to advise admonish and if possible govern Mr. Ogden for his own good. With sincere esteem

I am &c &c

Wm. Blount.

Gen. Smith.

Jefferson County

20th June 1793

Dear Sir

At Knox Court I made application to Governor Blount to demand of the Executive of Kentucky Alexander Drumgoole as a fugitive from Justice.

Dear Sir:

I have just received a letter from Mr. J. H. Jones of the
Board of Health of the City of New York, dated the 15th of
January, 1915, in which he informs me that the Board of
Health of the City of New York has decided to appoint a
committee to investigate the question of the control of
the sale of food and drugs in the City of New York.

It is my duty to inform you that the Board of Health of the
City of New York has decided to appoint a committee to
investigate the question of the control of the sale of
food and drugs in the City of New York.

I have just received a letter from Mr. J. H. Jones of the
Board of Health of the City of New York, dated the 15th of
January, 1915, in which he informs me that the Board of
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I have just received a letter from Mr. J. H. Jones of the
Board of Health of the City of New York, dated the 15th of
January, 1915, in which he informs me that the Board of
Health of the City of New York has decided to appoint a
committee to investigate the question of the control of the
sale of food and drugs in the City of New York.

Very truly,
Yours,
J. H. Jones

Wm. H. Jones

Wm. H. Jones

Wm. H. Jones

Wm. H. Jones

The Bearer hereof will present you the recognizance, and record at length of the proceedings had against him in Washington District.

The fourth article of the Constitution warrants such a mode to bring offenders to Justice. You will therefore much oblige me by demanding the said Alexander Drumgoole of the Executive of Kentucky should you approve of it.

Your most obedient

Joseph Hamilton.

Genl. Smith Secty,
(by Mr. Elliott)

Wilson Station July 23, 1793.

Dear Sir,—

The Indians have done no damage in our neighborhood since you left this country. In the brave Defence made at Greenfield mentioned in my last James Hayes a young man behaved with great bravery for which he deserves the notice of his countrymen. I shall give you a list of those killed and wounded since my last communication. (viz) May 28th John Hacker a spy killed on Drake creek. June 2nd James Still and his oldest Daughter Betsey was killed and his son wounded going from Greenfield to Morgan Station. June 4th Adam Flenor Richard Robeson and Wm. Bartlett killed and Abraham Young and Joh Mansfield wounded at the Glead spring on the road to Mr. Barron. June 29th Isaac Weaton and Jos Weaton killed and a negro wounded at Heaton's licke; July 1st Jacob Caseman killed and Jos. Caseman wounded near Hay Station; July 15th Wm Campbell wounded near Nashville; July 18th Mr. Sollen wounded at his own house; July 19th Mr. Smith killed at Thompson's licke the barbarous circumstances attending the above Murders I Mention not as you can readily have an idea from what you have seen and known yourself. Dr Sir I received two letters from you for which I thank you one of them respecting the number and value of the horses taken by the Indians Whether any method will be adopted to ascertain the same I know not as we told the President in our address we would not mention our property; it is to be lamented that our horses are no sooner taken by the Indians than they are in the hands of our fellow citizens of Hol-

ston they must certainly be men of consequence that is concerned in this business or they could not carry it on under the very eye of Government with impunity—— Sir our court paid no regard to the acts of the governor and judges as they refused to take a bond of the clerk and register agreeable to said acts; the Federal constitution says no capatition or Direct tax shall be laid only agreeably to the general courts; if then the Governor's power does not originate in the general government from whom is it? Sir this district considers it as a great grievance that the paymaster of the territory does not atend to pay the Militia for their services Sir the people look up to you for redress of this grievance. Sir I send you enclosed a 50 dollar Treasury warrant on the State of South Carolina if you will sell it for me you will oblige your

Most obedient

humble servant,

David Milsom.

Honorable
Dan Smith.

Knoxville November 29th 1793

Sir:

I enclose you two Commissions of the Peace which you will please countersign and deliver. When the note was wrote on the back of them I thought of enclosing them to David Wilson at whose instance they are issued.

I am favoured with your two letters by Col. Winchester. General Wayne has had no action with the Indians and I believe will not this winter unless they attack him in his quarters. I shall place Cage's receipt to your credit.

No news from the North. All quiet—since Genl. Sevier's visit. Election scarcely as yet heard of in this quarter. Cocke has been at the point of death but recovering.

The Fever in Philadelphia has ceased; the dead are computed about 7000. I am with great and sincere esteem

Your obdt servant

Wm. Blount.

I heard lately from Abingdon. Our sons were well.

Genl. Smith, Mero District

Knoxville Jany 19 1794

Dear Sir

My reason for calling the members elected to represent the several counties together so early is that the nomination of the counsellors may be laid before the present session of Congress. I shall expect the pleasure of seeing you with the members. The inclosed paper contains the news of this place. I have no letters from the officers of Government since your departure. Mr. McClung who has purchased Mr. Ogden's store will attend to what you wrote the Baron. The Baron is at Philadelphia. Mr. Allison is also gone there via Fayetteville. It is my opinion the approaching spring and summer will be more peaceful than I have seen in this country. With sincere esteem I am

Your obedt servant

Wm. Blount.

General Smith

Sumner County.

Knoxville Jany 19, 1794.

Dear Sir

Since writing you of this date your son George has arrived here from Abingdon with a wish to proceed on home but I have advised him to stop and write in my office and take Blanket and Board with me until your arrival at this place.

I have given this advice in confidence that it will meet your approbation having as I believe nothing for my object but the improvement of your son. I am dear sir with

Sincere esteem

Your obdt servant

Wm. Blount.

General Smith.

Knoxville April 3 1794

Dear Sir:

Genet is removed and his successor has arrived at Philadelphia; with his removal the project of General Clark must expire. Letters from D. A. inform me that the Commr of Indian affairs will report in favour of offensive operations and I hope Congress will concur. D. A.'s letter is dated Feb 12th. I have none so

late from the Secretary of War. I shall leave this on the 20th for the Moravian Town there to meet Mrs. Blount and shall be back by the 20th May at farthest.

The Report spread among the people by the members of the House of Representatives seems to have diffused general satisfaction to all Ranks. I am with great respect

Your obdt servant
Wm. Blount

General Smith

Knoxville Aug. 27 1794

Sir:

Not doubting that you have received my salary from the Treasury of the United States from the first of July 1793 let me request you to pass it to Mr. William Tate merchant at Nashville to deliver to me. It might have remained longer in your hands had not the good chance of a conveyance by him induced me to call for it. The sum due to me on the first of October next is 937 1-2 dollars except 152 or thereabouts for which I drew a bill on you in favour of Mr. Armstrong merchant, in Abingdon—therefore the balance is I believe 785 dollars.

I would thank you to write me by Mr. Tate or Mr. Deadrick a statement of the business.

D. S.

Mr. Sam Jackson

Merchant in Philadelphia.

Knoxville Febry 2nd 1795.

Sir.

It appears to be my duty to appoint collectors of the Taxes. I have determined to appoint the Sheriffs of the Respective counties. You will please fill, countersign and forward the enclosed accordingly.

I am with the greatest respect

Your obedient servant,

Wm. Blount.

Dan. Smith Esq
Secretary &c

Knoxville Feb 27th 1795

Dear Sir

The inclosed paper which contains but little contains the latest

news of this place. I am without letters from Philadelphia public or private since the last of December. Timothy Bloodworth is the successor of Benjamin Hawkins in the Senate of the United States. Who could have thought it? George has a good report from Mr. Fournier and I can assure of his good moral conduct and his application to his studies. Be pleased to present me respectfully to Mrs. Smith and to believe me with Respect and Esteem

Your obdt servant

Wm. Blount.

General Smith.

Knoxville April 27th 1795.

Dear Sir

You have often heard me express my anxiety for a correct map of this Territory.

The map already published is not correct, that which Tatham has attempted is not correct and if it was it will probably never be published. Will you, as you have the best materials, at your leisure prior to the meeting of the General Assembly, make a map of that part of the Territory which lays west of Cumberland Mountains. I would wish as many water courses as possible particularly those which empty into Cumberland however small to be laid down and likewise the lines of division between the respective counties composing the District of Mero.

Knowing your desire for a correct map to be equal to my own I offer no apology for making of you this request. I am &c.

Wm. Blount.

Genl. Smith.

Knoxville, May 13th 1795.

Dear Sir

I am now provided with a likely boy or young Fellow to discharge Allison's bond to you. I have also a sister of his, sixteen years of age (two less than himself) likely healthy and well grown which you may have if you will. Colonel King who purchased them from James Guthrie and has had them in possession some time speaks well of them. They cost five hundred dollars. The girl wishes to go with her brother and for that reason and

no other do I wish it may suit you to take her. I am Sir with the sincerest esteem

Your obdt servant

Wm. Blount.

General Smith.

Knoxville August 24th 1795.

Dear Sir

I congratulate you and the citizens of Mero District on the Interval of Peace which you are enjoying and can assure you that I have a well grounded Hope of its continuance not only to you but to every part of the Southwestern Frontiers. Mr. Jay by the Formation of his Treaty or Mr. Mason by his premature publication of it has placed the President in a very unpleasant situation from which he will find it extremely difficult perfectly to recover; I mean to become again in perfect estimation with the People.

It is certain I believe that his Treaty is very displeasing to the people from Boston to Charleston and it is said that petitions are signing against its ratification. Your son George (who has told me he will write you by this conveyance) has lately accompanied my brother Thomas Blount to the Cherokee Nation and has returned well pleased.

Mr. Fournier and my son William were of the party. I believe George's progress in French and Music is equal to your most sanguine expectations of him. He appears to be a youth without a single vice.

In the expectation of seeing you at the expiration of the semi annual period, and with the sincerest esteem I am

Your obedient servant

Wm. Blount.

General Smith.

Poplar Grove October 29th, 1795.

Sir,—

Capt John Hays and myself wish to have our land divided for which purpose tomorrow is appointed—wish to get the favour of you to do the business as we wish it done accurate therefore hope you will do us the favour to come to my house this evening

so that we may take an early start tomorrow; will thank you to bring with you your compass and chain. If you cannot come will thank you to favour me with the loan of your compass and chain by the Bearer.

I am sir with the highest Esteem your most obedient servant,

Andrew Jackson.

Danl. Smith, Esq.

Washington Sept 1 1800.

Sir.

Some how or other the receipt for fifteen pounds that you brought from Dr. Walker to me for the horse I let him have in part payment of the surveys I bought of Thomas and John Baker is either lost or mislaid, and Capt. John Campbell who now owns the land as heir to his father is about settling with the present agent of the Loyal Company, in order to obtain his title. At his request I am to ask the favour of you to write to him as soon as possible by post mentioning what you recollect of making the payment to Dr. Walker, what sum and when made. Your letter will I understand be satisfactory to Mr. Drope the agent, and will of course enable him to sign the Deed that is now executed.

I am Sir

Your obdt servant,

Genl. Danl. Smith

Arthur Campbell.

(Over).

The postmaster in Abingdon will charge the postage of this letter to Capt. John Campbell in ye Rich Valley who will pay ye postage on sight.

A. Campbell.

Genl. Daniel Smith

In acct with Wm. Black & Co., Dr.

1802		£.	s.	D.
July 12.	1 Humes & Smolleets History of England			
	12 vols	10	"	"
	1 Burlymaquis		15	
	1 Belshans Reign of George 3rd.....	5	5	
	11 yds Lutestring.... cost 9-4 ½.....	5	3	½
	1 piece Linen.... 26 yds.... 6-1.....	7	1	2
	Carriages of the above articles.....	1	6	
	Pennsylvania currency.....	30	73	½

		Equal to Dollars 80.97½	80.97½
		11 lb coffee.....a 25.....	2.75
		1 Pen knife29
		1 skein silk09
Oct.	1	1 yd Book muslin cost 7-4	
		3 " lace " 1-3	1.38
"	20	Cash	7.00
		1 Curb bridle buckle " tips..cost 8-3 ..	1.50
"	14	1 keg white lead)	10.50
		4 lbs yellow ochre) From Dr. Sappington	1.50
		½ lb Lythrage)	.56¾
			<hr/>
			\$106.54¾

Contra.....Cr.

By Bank notes received...\$120.00

Amt. brot down..... 106.54¾ 13.45¾

Raleigh Oct 24 1802

Dear Sir

I have the pleasure of introducing to your acquaintance Capt. John Williams who having acquired a Law License means entering upon the practice thereof in the State of Tennessee. You will find him an agreeable man and I have no doubt an useful member of Society.

I am with great respect
and esteem Dear Sir
Your most obedient servant
Will Polk.

Genl. Dan. Smith

Sumner County

Thomas Jefferson, President of the United States of America.

To all who shall see these presents, Greeting:—

Know Ye, That for the purpose of arranging certain interesting matters between the United States of America, and the Cherokee nation of Indians, and reposing special Trust and Confidence in the Ability, Prudence and Fidelity of Return Jonathan Meigs and Daniel Smith both of Tennessee I do appoint them joint

_____, _____, _____, Commissioners of the United States with full power to them _____ to Hold conferences and conclude and sign a Treaty with the said Nation of Indians transmitting the same to the President of the United States for his final ratification, by and with the advice and consent of the Senate of the United States.

In Testimony whereof I have caused these Letters to be made, Patent and the Seal of the United States to be hereunto affixed.

(Seal)

Given under my hand at the city of Washington, the twenty third day of April, in the year of our Lord one thousand eight hundred and four, and of the Independence of the United States of America, the Twenty Eighth.

By the President Thos Jefferson.
James Madison Secretary of State.

Washington Dec 16— 1805.

Dear Sir

If George gets the newspapers regularly—which I hope he does—(because I have directed them to be sent him) you may be informed of the news of this place as well as I could give it. That which fixes the attention of most of the members here is the complaint against the Spaniards, and unjust capture of our commerce by the British. From the first I do not apprehend any serious and durable evils—the latter I fear will require delicate management.

The treaties are not yet ratified—but I believe they will soon be. When they are it is probable that the President may enquire of me, though I am far from being certain of it, who will be a suitable person to run the Indian line from Hiwasa to the fork of Duck river—and for ought I know from the Chickasaw old fields to the head of the Buffalo. I feel at a loss who to point out as the most suitable person. Please to inform me who you think is. A bare knowledge of surveying, though requisite, is not the only qualification. He ought to be acquainted with the world of mankind and if acquainted with the manners of Indians the better it would be—and also honest and firm.

My health has not been uniformly very good. I have had one attack of the vomiting to which I have been subject but I have hopes of getting better. It would be agreeable to me to hear that you and yours are well. No letters from George or any of the neighbors yet. This itself is distressing. It would add much to my comfort to know that my plantation affairs were going on well—for let others think as they will I know that agriculture, that is the produce of the earth feeds all its inhabitants, and with us tis the only power of living.

I also wish to hear what with you are the prospects with respect to the price of cotton—I have heard nothing from Wm Kine yet. Tis nineteen dollars I am told at Augusta in Georgia and expected to rise. You and George will do the best you can with mine. I wish the session over and myself at home. I am dear sir

your obedt serv

Dan Smith

John Donelson Esq
Wilson Co. Tenn

St. Stephens Feby 28th 1817

Dear Sir

With sorrow I have to inform you of the death of Jacky Donelson who died on the 22nd inst. after an illness of 29 days—he was attacked with a desperate cough and high fevers and that in the Wilderness where medical aid could not be procured in time nor nourishment. All was done that could be done for him in the situation we were in.

I have all his papers and clothes which I will send carefully to you by one of my hands. We have done nothing since Christmas for the want of provision. It can be got for no price. I sent to New Orleans for a thousand dollars worth. I have nothing particular to say. I am not in good health—a number of my hands have been down. My best respects to my friends

I am Dear Sir &c

W. P. Owen

Genl. Daniel Smith
Sumner County

Hermitage March 27, 1817

4 o'clock p.m.

The enclosed was this moment received inc. with a letter to myself from W. P. Owing communicating the melancholy news of the death of our young and much respected friend Jackey Donelson. This was a shock to my feelings, on these children I had built my hopes of happiness in my declining days—they have somehow always appeared as my own—how fleeting sublunary things & how little ought they really to be estimated. He is gone—how I regret his suffering & want of medical aid— But if he is gone he has left us this pleasing consolation that he has not left a stain or blemish behind, ever to bring a blush in the cheek of his loving friends—they can reflect on him with pleasure, whilst they regret his untimely exit—prepare the mind of his tender mother for the shock, before you communicate it & keep from her knowledge, for the present, that he wanted for anything in his illness. I have not had a letter from Andrew since he left the city—he was well & in Philadelphia the last account from Major Eaton—I expect a letter from him by to-morrow's mail, should I receive one will communicate it.

Accept assurances of my esteem and respect

Andrew Jackson

Genl Danl Smith

CHAPTER I

The first of the great principles of the American Revolution was the right of the people to alter or to abolish their government, and to institute a new one. This principle was the foundation of the American Republic, and it was the first principle of the American Revolution. The second principle was the right of the people to be free from the oppression of a tyrant. This principle was the foundation of the American Republic, and it was the second principle of the American Revolution. The third principle was the right of the people to be free from the oppression of a tyrant. This principle was the foundation of the American Republic, and it was the third principle of the American Revolution. The fourth principle was the right of the people to be free from the oppression of a tyrant. This principle was the foundation of the American Republic, and it was the fourth principle of the American Revolution. The fifth principle was the right of the people to be free from the oppression of a tyrant. This principle was the foundation of the American Republic, and it was the fifth principle of the American Revolution. The sixth principle was the right of the people to be free from the oppression of a tyrant. This principle was the foundation of the American Republic, and it was the sixth principle of the American Revolution. The seventh principle was the right of the people to be free from the oppression of a tyrant. This principle was the foundation of the American Republic, and it was the seventh principle of the American Revolution. The eighth principle was the right of the people to be free from the oppression of a tyrant. This principle was the foundation of the American Republic, and it was the eighth principle of the American Revolution. The ninth principle was the right of the people to be free from the oppression of a tyrant. This principle was the foundation of the American Republic, and it was the ninth principle of the American Revolution. The tenth principle was the right of the people to be free from the oppression of a tyrant. This principle was the foundation of the American Republic, and it was the tenth principle of the American Revolution.

THE HISTORY OF THE UNITED STATES
 (Continued)

DAVIDSON COUNTY LAND WARRANTS.

[In 1782, the Legislature of North Carolina enacted a law for the benefit of the officers and soldiers of North Carolina in the Revolutionary war. Under this law Absalom Looney, Isaac Shelby and Anthony Bledsoe were appointed commissioners to lay off a tract of land to be held as a reservation for the military grants. Beginning at a point near where Elk River crosses the southern boundary, they ran a line fifty miles north, and thence due west to the Mississippi river, and declared all the land west and south of these lines the "Military Reservation."

The Indians protested against this reservation, as it encroached upon their territory, and the officers and soldiers were dissatisfied with it.

The next year, 1783, the North Carolina Legislature amended the previous law, and established the boundaries of the military reservation by statute. Beginning at the point where Cumberland river crosses the Virginia line at its eastern crossing, the boundary ran due south fifty miles, thence due west to Tennessee river, thence with that river to the Virginia line, thence with that line to the beginning.

All lands within this rectangle not previously granted or occupied by actual settlers were reserved for military grants. The settlers who already occupied lands were entitled to the right of pre-emption.

In 1781 the general land offices were closed. In 1782 an act was passed relative to grants and pre-emptions in the military reservation, and a private act was passed in 1784, designating by name a large number of settlers entitled to the right of pre-emption.

The act of April, 1784, declared void all entries made after May, 1784, except entries of land allowed the commissioners, agents and surveyors who extended the line of the military reservation, and the guards, hunters, chain carriers and markers who attended the commissioners.

We give abstracts of a number of orders or warrants from Samuel Barton, entry taker for Davidson County, North Carolina, and later for the same county in the territory south of the river Ohio, addressed to the surveyor of said county authorizing and directing him to lay off and survey for the persons named the lands described therein. In many cases these descriptions refer to an entry and pre-emption made some years previously. The lands were within the limits of the military reservation, and the warrants seem to have been made in favor of those who fell within the operation of the exempting clause. Major Samuel Barton, beside being entry taker and justice of the peace, was the first named of five persons authorized by the General Assembly of North Carolina to establish the town of Nashville.

320 acres of land on Stone's River for Alexander Greer assignee of George Glas a soldier in the Commissioners' Guard to lay off the land Grantd the Continental line of this State. April 8 1784.

640 acres on Thompson's Creek for Danl. Dunham assignee of Ephraim McCrory assignee of James Bradley. Apl. 15 1784

320 acres on Arrington's Creek for William Edmonson a soldier in the Commissioner's Guard. May 5, 1784.

320 acres on Cumberland River for James Clendenan a soldier in the Commissioner's Guard. May 5, 1784.

640 acres for Zachariah Green on Station Camp Creek. May 6 1784

640 acres for John Dunken on Spencer's Creek. May 17 1784

640 acres Stewart's Creek for John Fulkison. May 21 1784

480 acres on Red River for William Davidson a corporal in the Commissioner's Guard. June 19 1784

320 acres on Richland Creek for William Fork assignee of James Gilkieson a soldier in the Commissioner's Guard. June 30 1784

640 acres on Stewart's Creek for John Cockrill. July 10 1784

640 acres on Skegg's Creek a branch of Big Barren River for Michael Castilio. July 13 1784

640 acres on Station Camp Creek for the heirs of John Callo-way. July 22 1784

640 acres on Gaspare's Creek two miles below the old station

on Bledsoe's Lick trace for John Grant assignee of Henry Ride.
July 22 1784

640 acres on the first big creek above the mouth of Drake's
Lick for the heirs of James Crutchfield. July 30 1784

320 acres on Bledsoe's Creek for Daniel Carlin assignee of
Hugh Rogan a soldier in the Commissioner's Guard. Aug 7
1784

640 acres on Stones' River for the heirs of John Evins. Aug
3 1784

640 acres on Roaring River at the place where Crockett was
killed Including a Hunter's Camp with a Spring for Phenix Cox.
Aug 9 1784

640 acres on Miller's Creek on the Sulphur Fork for Ben-
jamin Dreak. Aug 10 1784

640 acres on Stuart's Creek for the heirs of William Green.
Aug. 23 1784

640 acres on Cumberland River above the mouth of Bledsoe's
Creek for Jonathan Green. Aug 23 1784

640 acres on the second Big Creek above Stone's River Station
for Danl Chambers assignee of Robert Cartwright. Aug. 27
1784

640 acres on Cumberland River about a mile and a half from
Jones Improvement down the river to include an old cabbिन
made by William Stuart for Danl. Chambers. Aug 27 1784

640 acres on the West side of Little Harpeth River about a
mile and a half west from Sampson Sawyers Improvement for
James Givens. Aug 27 1784

640 acres on Little Harpeth River where the road from John-
son's Lick crosses, for William Griffen and Bartlett Sercy. Aug
27 1784

640 acres on Cumberland and Stone's Rivers for William Dob-
bins assignee of Charles Taylor. Oct 3 1784

640 acres on Goose Creek above Bledsoe's Lick for Stokley
Donalson assignee of William Price. Oct 25 1784

640 acres on Stewart's Creek for William Campbell. Oct 25
1784

320 acres on Red River for Robert Gordon a soldier in the
Commissioners Guard. Oct 27 1784

320 acres on Cumberland River for Andrew Castleman as-

signee of Benjamin Castleman a soldier in the Commissioner's Guard.

640 acres on Cumberland River below Stuart's Creek for Lardner Clark assignee of Jacob McCarty assignee of Henry Sparrow. Nov 30 1784

320 acres on Red River for Lardner Clark assignee of James Gibson a soldier in the Commissioners Guard. Dec 22 1784

640 acres on Cumberland River for Lardner Clark assignee of John Gibson. Dec 22 1784

To James Sanders

Surveyor:

Sir: Please to destroy Two warrants in the name of John Gibson one for a preemption and one for a guard right and this shall be your warrant

22nd December 1784

Saml. Barton
E. T.

640 acres on Richland Creek for William Cathey assignee of Peter Turney, assignee of Michael Lanick. Dec 27 1784

640 acres on Stewarts Creek for William Campbell and George Cathey. Dec 27 1784

320 acres on Mill Creek on the Buffalo Road that leads from the French Lick for Lardner Clark assignee of James Todd a soldier in the Guard. Jan 12 1784

640 acres on Indian Creek for William Cocke assignee of John Barber assignee of John Hendricks. Dec 3 1784

640 acres on Harpeth River joining Hugh Leeper's preemption; for William Cocke assignee of Even Baker. Dec 31 1784

640 acres on Cumberland River at the mouth of Cedar Creek for James Green. Dec 31 1784

640 acres on Thompson's Creek for John Elliott assignee of Danl. Dunham. Jan 8 1785

320 acres on the forks of Hays' Creek for Lardner Clark assignee of Benjamin Castleman a soldier in the Commissioner's Guard. x x—x 2nd 1785

320 acres on Station Camp Creek beginning at James Crockett's South East corner for Elmore Douglas assignee of George Blackmore. Feby 4 1785

320 acres on Station Camp Creek adjoining Elmore Douglas'

preemption for Robert Gordon a soldier in the Commissioner's Guard. Feby 4 1785

640 acres on Cumberland River below the mouth of Sinking Creek for John Dunahoe assignee of Ebenezer Man. February 28 1785

640 acres on Cumberland River above Red River adjoining a military claim located by Jonathan Dreak for John Deason. April 19 1785

640 acres in the forks of Stones River and Cumberland beginning at the lower corner of the public land for John Donalson. May 6 1785

640 acres on Drake's Creek for Lardner Clark assignee of Henry Wadkins. June 8 1785

640 acres on Cumberland River joining the public survey of Drake's Lick, for James Crabtree assignee of John Brown assignee of Charles Bowen. June 24 1785

640 acres on the Main Harpeth River beginning at Capt. Anthony Sharps' corner, for John Craig. June 24 1785

640 acres on Bigg Harpeth beginning at John Donalson's corner for George Galespie assignee of Stephen Wray, assignee of William Bradshaw assignee of George Scott. June 24 1785

640 acres on Arrington's Creek for James Elliott assignee of Sampson Wilson. June 24 1785

640 acres on Big Harpeth beginning at Alexander Nelson's corner for William Elliott assignee of Ralph Wilson. June 24 1785

320 acres on Harpeth Waters adjoining Drake's preemption, for John Elliott assignee of Sampson Williams a soldier in the Commissioner's Guard. June 24 1785

640 acres on Cedar Lick Creek beginning at Sam Mosby's corner, for Aguila Carmack assignee of Martin Harden. June 24 1785

640 acres on Goose Creek for the heirs of John Callaway. September 9 1785

640 acres on the waters of Bledsoe's Creek to adjoin the lands of Roger Topp and David Wilson for James Lee a chain carrier. September 9 1785

640 acres on Barton's Creek below the meat cribs, for Benjamin Drake. September 13 1785

640 acres on the south side of the Cumberland River beginning about one mile below the second creek on the south side of Cumberland above the Virginia line for Lardner Clark and Adam Wicuff assignees of John Gibson. December 2 1785

640 acres on the south side of Cumberland River one mile from Nealey's Pond, for Stockley Donaldson and William Terrell Lewis assignees of Morgan Ogburn. Jan'y 17 1786

640 acres on Marrowbone including the Improvement late the property of James Ray taken by attachment at the suit of Stephen Ray, for Justinian Cartwright. March 30 1787

640 acres on the North side of Little Harpeth as per entry No 473 June 7 1783 for James Crockett assignee of Richard Gross. Oct 5 1786

480 acres on Whites' Creek about one mile above Henry Turneys, as per entry No 532 July 17 1784, for Alexander Caveat assignee of James Nowland a corporal in the Commissioners Guard. July 24 1787

640 acres on Bledsoe's Creek beginning nearly a mile west of Deshea's preemption as assignee of Andrew Lucas, for Richard Hogan. May 7 1789

640 acres on Heaton's Station Creek including the improvement made by William Ellis as per entry No 591 August 23 1784 for Alexander Caveat assignee of the heirs of Geo. Bidwell assignee of the heirs of John Lumsden. May 7 1789

640 acres on the south side of Cumberland on a branch of brown's creek on the south road including a spring and improvements about 5 miles from the french lick and a mile from an improvement that Saml. Barton claims and Improved in the year 1780 by Nicholas Gentry as per entry No. 243 February 6 1784; for John Gentry Heir of Nicholas Gentry September 16 1789

Territory south of the River Ohio, Davidson County

640 acres in the forks of the second big creek above the mouth of Stone's River to John Donalson assignee originally of William Burgess as per entry No 573 entered August 12 1784. December 12 1792.

Davidson County

Jan'y 3 1786

I do hereby certify that this day Robert Nelson came before

me a Justice of the Peace for the said county and made oath that he would faithfully and truly execute the office of Deputy Surveyor in Davidson County without favour or partiality and agreeable to the Laws enacted by the Assembly of North Carolina.

Sworn before me Jany 23 1786

Saml. Barton.

A RELIC OF THE RECONSTRUCTION PERIOD IN
TENNESSEE.

[Read before the Tennessee Historical Society by Gen. G. P. Thruston.]

In examining some old records the writer recently came across the written statement made by him in March, 1870, before the reconstruction committee at Washington, of which Gen. B. F. Butler was chairman. An effort was then being made by the extreme radical Republican element to set aside the civil government and place the State of Tennessee again under military rule, and the writer appeared before the reconstruction committee to oppose this scheme.

In looking back through the perspective of years the whole plan of reconstruction at the South now seems an abomination. From the very start it was a predestined failure owing to the bitterness, prejudice, and ignorance that existed on both sides of the sectional line—the natural result of the war. Unhappily, some such failure was inevitable.

How unwise and strange it now seems that the leaders of the Republican party at Washington should have attempted to inaugurate new State governments in the South with the aid of the military, and the other supposed available loyal material then at hand, to wit: the freedmen recently enfranchised and given the right to vote, a few so-called loyal white men, and a few ex-Federal soldiers and Republicans from the North, thus practically ignoring and setting aside the influence of the more intelligent classes, the whole array of property holders and the real social and political leaders of the various Southern sections.

The evils of the new situation were soon found to be almost as intolerable as the ills and horrors of the recent civil war.

After the election of Governor W. G. Brownlow to the Senate of the United State by the provisional Legislature in 1869, the Speaker of the State Senate, Hon. D. W. C. Senter, became

Governor of Tennessee. At that time the political situation in Tennessee was chaotic. The intelligence of the middle and western sections of the State had been, in the main, disfranchised for disloyalty by the enactments of the Legislature. Later, in 1869, Governor Senter was nominated for re-election by the conservative wing of the Republican party, and Col. W. B. Stokes was nominated for the same office by the radical Republicans and the so-called ultra loyalists, whose partisans held many of the most important offices in the State. To aid in his election Governor Senter appointed Commissioners of Registration of liberal views in place of Brownlow's commissioners. The floodgates of registration were thus practically thrown open, and the election resulted in the success of a large number of Liberals and Democrats, thus giving the ante-bellum political leaders and Democrats, representing the Confederate element, control of the political machinery of the State and the larger cities. The struggle was a bitter one. There were honest, earnest partisans on both sides. It was, indeed, often difficult to decide as to the right, but, in the main, the election in Tennessee resulted in the triumph of justice and intelligence.

Early in 1870, soon after the victory of the liberal element in Tennessee, strenuous efforts were made by the defeated radicals and partisans of Brownlow, and by the Republicans of East Tennessee, to have the new State administration set aside by the authorities at Washington, and a military Governor again appointed to administer the affairs of the State of Tennessee.

There was much excitement upon the subject in Nashville and elsewhere throughout the State. Brownlow, Maynard, Stokes, Fletcher, Arnell, and most of the members of Congress from Tennessee were urging a return to military rule, and in this effort they had the confidence and the political sympathy of the then dominant national Republican leaders at Washington, like Thad. Stevens, Oliver P. Morton, and Ben Wade. Occasional Kuklux outrages throughout the State were also stimulating the schemes of the extremists. It was a critical period in the history of the State.

On the 19th of March, 1870, a mass meeting of citizens was held at the courthouse in Nashville to protest against the new scheme of military rule, and to appoint commissioners to go to

Washington and present the protest. Ex-Governor Neill S. Brown, Judge John M. Lea, Judge J. C. Guild, the writer, and, perhaps, others, were selected. Speakers Thomas and Perkins, of the Tennessee Legislature, also agreed to go to Washington for the same purpose.

The reconstruction committee at Washington was composed of some of the ablest men in Congress. Gen. Ben Butler, the chairman, had the reputation of being severe and scathing at times in the examination of witnesses brought before the committee. The writer, therefore, deemed it wise to present at least a part of his evidence in writing, and on March 26, 1870, he read the following statement before the committee as the basis of his testimony:

“STATEMENT OF G. P. THRUSTON.

“To show my means of observation, and the standpoint from which I have observed the condition of affairs in the State of Tennessee, I will state that I have been in the State most of the time since February, 1862, when I entered Nashville with the advance of Buell’s army as a captain in the First Ohio Volunteers. Subsequently I served as senior aid de camp to Gen. Rosecrans; as lieutenant colonel and chief of staff of the Twentieth Army Corps, and for the last two years of the war as assistant adjutant-general, acting judge advocate of the Army of the Cumberland, on the staff of Gen. George H. Thomas, upon whose recommendation I was breveted brigadier-general of volunteers. I was at Shiloh, Stone’s River, Chickamauga, Atlanta, and the intermediate battles.

“At the close of the war I resigned and began the practice of law in Nashville, where I have since resided. I voted for Lincoln, Brownlow, and Grant, and have generally acted and voted with the Republican party of the State of Tennessee. I have never held any office or sought any office from the party or the people of Tennessee, or very actively engaged in political affairs. I have devoted most of my time to my professional pursuits, but have been a careful observer of the political condition of the State, and have been known as a Republican in politics. For three years after the close of the war it was almost impossible for a Northern man and Republican to reside in the middle or western portions of the State with comfort and satisfaction,

although by exercising ordinary prudence there was no danger of personal harm to any one. This was occasioned by the unsettled state of the country resulting from the war, by the local prejudice, and by the bitter feeling engendered by the disfranchisement of those who had sympathized with the rebellion. This latter element included nearly the whole white population of Middle and West Tennessee, and nearly all the owners of property. The county in which Nashville is located has a voting population of about 5,000 or 6,000 whites and about 4,000 colored men. Under our franchise laws all the colored men of legal age were voters, and about 1,500 white men. Nearly every farmer and landowner in the county, nearly all the professional and business men and taxpayers of the city were disfranchised. The entire voting element of the county (with a population of 75,000 people) was composed of the colored men recently freed from slavery, of a few hundred ex-Federal soldiers, sutlers, and government employees who remained after the army was withdrawn, of two or three scores of true, native Union men, and nearly ten times as many who pretended to be Union men during the war. There were also about 200 citizens who voted for Brownlow in 1865 who were permitted to vote under the law on account of their presumed loyalty, making in all, about 1,500 white voters out of about 5,000 to 6,000 white men in the county. The taxpayers, lawyers, merchants, physicians, preachers, all the old politicians and office holders, and those who represented the great body of wealth and intelligence of the community, were, with few exceptions, excluded from the polls and from taking any part in elections. Of course this state of things has made the whites restless and increased the bitterness of feeling, which had somewhat lulled at the close of the war. To enable this minority in numbers, intelligence, and wealth to gain and preserve their political power, it was necessary, occasionally, to have the assistance of the military to sustain and defend them. They were also often compelled to resort to means and extremes sometimes unlawful and unjust, and (as is usual in such cases) some of the most corrupt men of the party conducted its machinery and held many of its important offices. In the course of time the taxpayers refused to pay taxes, and there was endless political litigation. The city debt of Nashville increased about a

million dollars in two years, and general municipal bankruptcy and political bitterness was the consequence.

"This statement presents a fair illustration of the condition of society and politics throughout Middle and West Tennessee.

"The whole State was in continued excitement and trouble under this disfranchisement system, and the result was shown in frequent acts of lawlessness in the interior and western counties. Bands of Ku Klux were formed, and occasionally committed gross outrages.

"Finally, the more conservative and intelligent men of the Republican party found it impracticable and unjust to continue this unnatural state of affairs. The evils and bitterness of the system were too great. It was like forcing water to run up hill. It was too great a strain. It didn't pay; it paralyzed business, stopped immigration, and actually created outrages.

"Consequently, the best Northern Republican element in the State, and a considerable portion of the native element, declared for universal suffrage. Gov. Senter and Secretary Fletcher also took this ground. The latter became especially conservative in advocating this new and popular doctrine, and made speeches denouncing the radicals and carpet baggers as the chief mischief makers in the State. Under this new turn in affairs, Gov. Senter, in appointing new Commissioners of Registration to fill vacancies, appointed Republicans who favored a liberal interpretation of the franchise law. The Supreme Court, which was Republican in policy, also decided that parties who held old certificates to vote, which had been declared void by Gov. Brownlow, had a vested right in them and that they could not be held void. This decision created an immense conservative vote in Middle and West Tennessee, and Gov. Senter, the candidate of the liberal party, was elected over Col. Wm. B. Stokes, the candidate of the radical Republicans, by a large majority, and to the very great surprise of the radical Republicans. The conservatives had a majority in the Legislature. This sudden turn in affairs was a great disappointment to the radical Republican element, but as the best men of the party were committed to universal suffrage, and as they had assisted in bringing about the change, it was finally accepted in a very proper spirit. For one,

I am quite willing to turn over to the Southern white people the few offices that are the cause of so much strife and bitterness.

"As to the effect of this political change upon the peace and prosperity of Tennessee, I wish to state, as the result of my best observation, that the State has been more peaceful, business has been more prosperous, and there has been since less social and political bitterness of feeling than I have known at any time during my residence there. I attribute this change for the better to the adoption of a more liberal policy by the Republicans of Tennessee and the prospect of enfranchisement offered to the white citizens of the State. So far as I have been able to judge as a private citizen, with all the means of information in my power, I do declare that outrages and disturbances in the State, of all kinds, have been less frequent within the past few months than they were previously.

"The State is not as quiet as the Northern States. It has never been since the war. The elements that make up its population are naturally so antagonistic, and the changes have been so rapid, that it will require time to assimilate them and restore perfect order, but my own experience as a soldier and a citizen of the State satisfies me that we have better order there now than can be produced with the same material under military rule, or by the general disfranchisement of the masses of the people.

"I am free to state that within the past few months, and previously, some outrages have occurred in a few of the counties in Middle and West Tennessee that have excited my indignation, and that have not been sufficiently condemned by public sentiment or promptly punished by the local authorities, but, on the whole, as a Republican, with all my Northern and loyal sympathies, I feel bound to declare that the State is in a better condition to-day than it was one year ago.

"In common with many of my army and Republican friends, I must express my surprise and regret at the attempt being made by a comparatively few persons to create a different impression. A month ago we supposed the State was in a reasonably tranquil condition, and that, in the course of time, it would work out its own salvation, when suddenly the whole State was startled, not by any new or real outrages perpetrated by the Kuklux, or other lawless men, but by reports coming first from

Washington that we are in a condition bordering on war and rebellion.

"My own conviction is, that there is no just, legitimate, or sufficient cause for this combination and appeal to Congress. It is true that the gentleman who was a candidate for Governor, and then for Senator, and who has never been without an office during my residence in the State, was disappointed in his calculations, and charges the people with ingratitude to him; and, also, that unless there is military interference, some others may not be able to make easy and successful canvass for Congress this fall, but as a Republican, I am tired of brute force and violence, and prefer to be in an honest, working minority in the State of Tennessee to gaining a cheap victory by force at the expense of principle, justice, and charity. I believe it will be better in the end for the party and the country. We, of course, welcome to the State all the soldiers the government may wish to send there, but we want them to sustain rather than displace the civil authority."

This evidence was presented at a full meeting of the reconstruction committee. Behind Gen. Butler, the Chairman, and assisting him in the cross-examination, sat a number of Tennessee radicals and local politicians. As I remember, Congressman W. F. Prosser, of the Nashville district, and Congressman Sam M. Arnell, of the Columbia district, were there. They handed Gen. Butler several questions to ask the witness. Among them the following will serve as a sample:

Question.—"Did you not marry into a rebel family at Nashville, and has that not biased your opinions as to the condition of affairs in Tennessee?"

Answer.—"Yes, General, I married into a rebel family, but this has not changed my political views. My wife has been pretty well reconstructed."

The cross-examination was soon terminated. Gen. Butler and his assistants perhaps concluded that they had struck an unsatisfactory witness. Fernando Wood, a Democratic member of the committee from New York, asked for my written statement. He said he wished it copied to give the committee the benefit of the voting statistics and facts stated in the evidence. Judge Lea also appeared before the committee, and gave most useful

testimony, as did Speakers Thomas and Perkins. We learned that President Grant was opposed to "unstating" Tennessee, to use an expression then in vogue. He was willing to send more Federal troops to the State to keep the peace, but was unwilling to disturb the existing political status.

Happily, the military scheme of the extremists failed, and no further attempt was made to revive it. The Confederates of Tennessee had come into power to stay. The change led to some hardships and retaliatory measures, but there was no resisting it. It finally caused the exodus from the State of many most excellent citizens from the North who had settled in Tennessee in good faith, and were a great loss to the State, and also the exodus of many agitators and office seekers of the carpet bagger type, who could well be spared.

No one can recall the contentions, the bitterness, the prejudice, and ignorance of that wretched period of reconstruction without a sigh of relief that they are evil memories well nigh forgotten. In these happy times of peace and tranquility in Tennessee we have scarcely a right to call them to mind.

PROCEEDINGS OF COURTS-MARTIAL IN THE
CREEK WAR.

One of the most interesting manuscripts owned by the Tennessee Historical Society is a collection of proceedings of courts-martial held in his army during Genl. Jackson's campaign against the Creek Indians, and covering a period from October 15, 1813, to January 30, 1814.

The minutes of the courts are, for the most part, in the handwriting of Genl. Wm. White, Judge Advocate of Division, a resident of Nashville, who later was with Jackson at New Orleans. The papers were presented to the Society by his son, the late C. Henry White, of Giles county.

It will be remembered that Jackson, still suffering from wounds received in his affray with the Bentons, was unable, until October 7, to join his army at Fayetteville, the place of rendezvous, and it is evident from the date of the first court-martial that he lost no time in trying to quell the feeling of discontent and insubordination among his men, which grew largely from want of supplies and a misapprehension as to the expiration of their term of service.

In view of the daily difficulty encountered by Jackson in retaining and controlling his starving soldiers the power of the court-martial does not seem to have been abused either in the frequency of its sessions or the severity of its judgments. The punishment was, in some instances, unique, but sentence of death was passed in two aggravated cases only, and was remitted in both. As an example of many similar sessions the proceedings of the first court are given entire:

Camp Coffee

Octo. 15th 1813

A General Court Martial to consist of thirteen members will convene at 4 o'clock on this day at the Major General's quarters for the trial of Allen Moore and such prisoners as may be brought before it.

Brigadier General Hall is hereby appointed President of the Court Martial and Robert Searcy aide-de-camp Judge Advocate. The other members to be detailed by the Adjutant General,

Andrew Jackson,
Major General.

The court met pursuant to the above order, present, Brigadier
Genl William Hall President. Captain Martin
Captain Douglass Captain ———
Captain Nash Captain Smith
Captain Dooley Capt
Captain Patton Lieut Bradley
Lieut Lauderdale Lieut Murdoch
Robt. Searcy Judge Advocate pro tem

The court being duly sworn in the presence of the prisoner proceeded to the trial of Allen Moore a private in Capt. William Moore's company of volunteers in the Second Regiment who being previously asked if he had any objections to the members named in the General Order and replying in the negative was arraigned on the following charges preferred against him by Lieut John A Chapman of the 2nd regiment of Volunteer Infantry viz: Mutiny. Specification: For resisting the execution of orders given him by his superior officer to wit: in refusing to march from Camp Blount near Fayetteville in Lincoln County on the 12th instant to join the troops under Genl. Jackson at Camp Coffee, when thereto ordered by Wm Moore his Captain, he the said Allen Moore having substituted himself in the place of James ——— a volunteer soldier in the said Capt. William Moores company, and threatening to take vengeance on his said superior officer for compelling him to join said army
2nd For disobedience of orders.

Specification: For refusing to march with his officer from Fayetteville in Lincoln County to join the army under Genl. Jackson at Camp Coffee when thereto ordered by his superior officers

Jno. A. Chapman,
1st Lieut 2nd Regt. T. V.

to which the prisoner pleaded not guilty.

Wm C. Bird, Serjeant being sworn says he was ordered by Lieut. Chapman to take the prisoner under guard and bring him to join the army at Camp Coffee; that the prisoner said

he would not march under Lieut Chapman and attempted to strike him the witness when about to arrest him.

Lieut. Chapman sworn says prisoner said he would not go and when spoken mildly to by witness and advised to march peacefully said he be damned if he would go.

Wm Stewart sworn says prisoner told him he intended to go on the campaign but would not serve under Lieut. Chapman; that they could not compell him to go against his will and that they meaning the balance of said company were fools for going unless they were willing; that he had a discharge and expected to get clear himself and clear as many as wished it when he got to camp.

Peter Tipps sworn says prisoner said he would not march under Lieut. Chapman.

The testimony on the part of the prosecution being closed the prisoner produced a discharge.

The Court adjourned to meet to-morrow morning at nine o'clock.

Oct. 16 1813

The Court met present the same members as yesterday. The Court being ordered to be cleared and the proceedings read over to the Court by the Judge Advocate the following sentence was pronounced

The Court after mature deliberation on the testimony adduced find the prisoner guilty of both the charges and specifications exhibited against him and sentence him to ride a wooden horse twenty minutes on two succeeding days between the hours of ten and one o'clock with ten pounds weight attached to each of his feet; that he be confined in the stocks until the punishment is inflicted and that it be inflicted in the presence of the whole of the division. Lieut. Chapman is charged with the execution of this order.

Wm Hall Presdt of the
Court Martial

Robt. Searcy
Judge Adv. pro. tem.

The Commanding General approves the sentence of the Court Martial whereof Genl. Wm Hall is president and orders that the sentence of said court be immediately carried into due execution.

Andrew Jackson
Major General

The same day a general order was issued convening a Court for the trial of Capt. Anthony Metcalf, who was charged with disobedience of orders under the specification "for wilfully fire of a gun within the limits of the camp"; "to which he pleaded guilty and offered in extenuation of his offence the following reason; that he had applied to draw his rations but could not get any; he was suffering for provisions and shot a hog to procure himself something to eat. He introduced Lieut Cheek and Ensign Webster as witnesses who proved that Capt. Metcalf had applied for ration and could not get any; that he was out of provisions and know prospect of getting any" Whereupon the Court sentenced the said Metcalf, it being the first offence and extenuated by particular circumstances to be reprimanded by the Commander in Chief at the head of the division, which sentence was approved, and the next day the Major General in the presence of the army carried out the sentence with the following address:

"Captain Anthony Metcalf:

You have been charged with a disobedience of general orders and the Court Martial who tried you have found you guilty.

In pronouncing their sentence they have paid a great regard to the fact of this having been the first offence and to the circumstances of mitigation which are supposed to have accompanied it. They have sentenced you to be reprimanded by the Commander in Chief at the head of the division.

In doing this they have imposed a very painful duty upon your General. While he views as his children those men who have so willingly united their destinies with his and who at his call have run to their arms with so much eagerness to avenge the injured rights of their country it must ever be with the utmost pain that he can pronounce a public censure against any of them.

To mark a soldier with disgrace is to attack him at a point where all his sensibilities are most alive.

To him if he possess those feelings which properly belong to his profession, a sentence of public rebuke must be more keen than the pointed steel of the enemy.

How then shall a General who stands in the relation of a father to his children be made the instrument of inflicting this wound without himself feeling a portion of its pain? But it may

become his duty and from that duty he must not shrink whatever sacrifice of feeling the performance of it may occasion him.

You, Captain Metcalf, have been found guilty of an offence which if it prevailed extensively would render utterly abortive the whole object of this expedition. Instead of obtaining victory over that audacious enemy whose numberless depredations have compelled us to leave our families and our homes we should experience only defeat and shame.

Instead of punishing those inhuman savages who in cold blood have murdered our unoffending fellow citizens and whose atrocities have kept even pace with our forbearance we ourselves should be discomfited and beaten, dispersed and driven home, covered with confusion and disgrace; subject to the scorn and indignation of every honest man even of our fathers and brothers; of our wives and children.

Vain is it to talk of the honorable feelings by which any man is animated, or of the personal bravery which distinguishes him, if when he joins the army he will not pay the strictest attention to discipline and obey the lawful orders of his superiors. It is not by individual prowess or courage (if a man can be supposed to have courage who is guilty of a violation of duty) that victory is to be obtained. An army to conquer must act in concert, and to make a number of men act in concert there must be a regular gradation of officers from corporal to commander in chief whose commands must be undeviatingly obeyed.

To interrupt this harmony is to oppose the weightiest obstacle to the successful operation of an army.

You perceive then, Captain Metcalf, the nature and enormity of the offence of which you have been guilty. You who as Captain have the power of giving orders to those below you have yourself been guilty of violating the orders of your superiors. You to whom your men look up for a specimen of that conduct which it becomes them to pursue have furnished them an example of disorder and confusion. How shall it be expected that those men who have manifested the trust they have in you by choosing you to command them will act with that strict obedience to subordination and discipline which is so becoming in soldiers, when they see in you such an example of disobedience? It is not to be expected; and that offence which in a private would be highly reprehensible, in you a Captain bound

by every motive that can influence a man of honor deserves the severest animadversions. If you feel as a man ought to feel in your situation you must feel at this moment the deepest mortification at a review of your conduct. Let me remind you, Captain, that notwithstanding the mildness of the language I have now used there must be no repetition of this offence. Nor do I wish that the remarks I have addressed to you should be heard and felt by you alone. I wish them to be remembered by the whole division.

We have set out upon an expedition all important in its objects and consequences; an expedition which can only be successful by a faithful observance of order. Let us by such an observance obtain that object and secure those consequences and when we return to our families and to our homes; to the embraces of those whose approbation must constitute the highest happiness of our lives let us not return with blushes upon our faces, but crowned with laurels which can be gathered even in the barren wilderness.

The Commander in Chief orders that Captain Metcalf's sword be returned to him and that he return to his command."

On the 20th a corporal was tried for using reproachful and disrespectful language derogatory to the character of his captain; of which he was adjudged guilty and was reduced to the ranks.

Five privates in the cavalry were tried on the 24th for desertion and were sentenced "to be suspended by one arm one minute at a time a day for three days without anything to rest either foot upon except one pin sharpened at the end to a point; and do also sentence the said prisoners to be reduced to stations in the infantry and their horses given up to other mounted men; and they compelled to work with all fatigue parties during the campaign; and that each of them wear his coat or hunting shirt or whatever outside dress they may wear with the wrong side out for two weeks with Desertion written on the back as a mark of Disgrace."

The president of the Court Col John Coffee recommended that two of the five be exempted from the execution of the sentence except the turning of their coats because they were of tender years and had been influenced in their conduct by the example of others; which the Major General approved.

"Sleeping on their posts while on duty as sentinels in an enemies' country" was the offence of which two privates were convicted on the 27th and sentenced "to be picketed twice a day for three successive days" with a recommendation to the mercy of the Commander in Chief in consideration of the deep and unaffected contrition manifested by the prisoners." One of these offenders proved by his company officers that he had been too ill for some days to carry his knapsack; and the other proved that he had left a sick bed to join the expedition and had had no rest for twenty four hours previous to his being detailed as sentinel.

Another deserter was on the 28th sentenced to suffer death by shooting "but the Court though fully satisfied of the justice of the sentence they have reluctantly been compelled to pronounce against the prisoner beg leave to recommend to the Commander in Chief that after causing every preparatory step to be taken for the execution of our sentence that it may be suspended, or substituted by a solemn admonition." Genl. Jackson adopted the latter suggestion and the solemn admonition was accordingly administered.

There was now a lull in judicial proceedings due no doubt to the battle of Tallushatches on the 3rd of November and Talladega on the 9th but on the 13th a private was sentenced "to be picketed" for "using insolent seditious and mutinous expressions in the presence and hearing of the Commander in Chief." And on the 14th Col. John Allcorn of the Cavalry who had commanded Coffee's right in the battle of the 3rd was tried on a charge of mutiny. The Court acquitted him with honor and took "the opportunity of expressing the high sense the entertain of Col. Allcorn's merits as an officer who, as appears to this Court is so far from having been guilty of the crimes of mutiny and sedition has done all in his power to suppress everything like either in his regiment, or whatever might tend to weaken or retard the progress of the campaign."

On the same day three privates in the Tennessee militia after pleading guilty to the charge of desertion were discharged, as "the Court was composed of a number of officers of the first and second regiment of Tennessee volunteers and a question arose before the Court whether it is agreeable to the rules and articles of war that officers and soldiers belonging to the militia

can be tried by any other than a court composed entirely of militia officers, which after full discussion was decided in the negative."

A party of nine were tried for desertion December 4 and pleading guilty were sentenced to have one half their faces blacked, with their coats turned and labelled Desertion and their hands tied behind, to ride a wooden horse fifteen minutes each day for three days, "and afterward be drummed around the camp drawn up for the purpose of witnessing the scene." A Lieutenant and Ensign who were condemned the same day to death had their sentences changed and were instead cashiered and dismissed from the service with infamy; and the sentence was "ordered published in all the newspapers published in the State of Tennessee for three months."

No courts were held from Dec 16 to Jan'y 27. It was during this period that Jackson's militia, according to Parton, in spite of warning and entreaty, marched homeward; and Cocke's division of eight hundred more followed a few days later.

The remainder of the manuscript is devoted to and ends with the trial for cowardice of a Colonel and Lieutenant Colonel who had been ordered to protect the rear at Enotachopco, and had failed to do so.

The former proved that he had made every effort to hold his men and did not retreat until deserted by all his troops. The latter was less fortunate and was sentenced "to be cashiered and be compelled to wear a wooden sword from the hour of 10 o'clock a. m. till 1 o'clock p. m. of this day, and then be marched and drummed a half mile from the old line of encampment, towards Fort Deposit, at the head of the Artillery Company, with their bayonets charged and that he be not permitted to wear any insignia of an officer or soldier in the service of the United States."

It is further the unanimous opinion of the Court "that the prisoner be not permitted to hold any post of honor or profit either civil or military within the gift of the Government of the United States."

This sentence was at first approved by Genl. Jackson but the following rather ambiguous order follows:

"Upon consideration the commanding General orders that the

foregoing sentence so far as relates to drumming be dispensed with and is hereby pardoned."

Some of the names which appear in the manuscript are Gens. William Hall, Isaac Roberts. Cols. John Coffee, Nicholas T. Perkins, Wm. Pillow, John K. Wynne, Wm. Carroll, Inspector General, John Allcorn, Edward Bradley, Wm. Y. Higgin, Doak. Lieut. Cols. William Martin, John Stump, Majs. Boyd, Murry, Shilton, James Lauderdale. Jas. Terrell, Taylor, Shaw, Charles Sevier, Anthony, Barksdale, Dixon, Josephus H. Conn.

Cpts. Brice, Martin, McCall, Reynolds, Shannon, Cole, H. L. Douglas, Dooley, Patton, John Spinks, Braden, Anthony Metcalf, John Gordon, Jas. McFerran, Williams, Thos. Williamson, Geo. Caperton, William J. Smith, John Moore, David Deaderick, John Bradley, Harpool, McEwen, Wm. Lauderdale, Hamilton, Kennedy, Wallis, Willis, Locke, Abram Bledsoe, Eliott. Russell, Patterson, Louis Winston, Cheatham, Doak, Mitchell, Pipkins, Vincent Winfrey, Johnson, McMahan, Dale, Crain.

Adjutant, Alfred Cantrell; Quartermaster, Henry Bledsoe; Aides-de-camp, John Reid, Robt. Searcy.

SOME EARLY NORTH CAROLINA LEGISLATION.
(1776.)

AN ACT CONCERNING MARRIAGES.

Whereas by an Act, entitled, An Act concerning Marriages, it is enacted, that no Minister, or Justice of the Peace, shall celebrate the rites of matrimony between any persons, or join them together as man and wife, without license, or certificate of publication, as mentioned in the said Act: and whereas the Presbyterian, or dissenting Clergy, conceiving themselves not included in the restriction of ministers not mentioned in that Act, have joined many persons together in holy matrimony, without either license or publication; whereby the payment of the just and legal fees to the Governor on such occasions has been eluded, and the validity of marriages may be in danger:

Be it enacted by the Governor, Council, Assembly, and by the authority of the same, That all marriages that have been, or shall be solemnized, before the first day of January next, by any of the dissenting or Presbyterian clergy, in their accustomed manner, shall be, and are hereby declared to be as valid, legal and effectual, to all intents and purposes, as if performed by any minister of the Church of England, under a license taken and granted according to the directions of the aforesaid Act.

And be it further enacted by the authority aforesaid that from and after the first day of January next, that it shall and may be lawful for any Presbyterian minister regularly called to any Congregation in this Province, to celebrate the Rites of Matrimony between Persons, and join them together as Man and Wife, in their usual and accustomed Manner; under the same regulations and restrictions, as any lawful Magistrate in this Province might celebrate and solemnize the same.

Provided always, That all such Marriages so solemnized by any Presbyterian Minister as aforesaid, shall be under a Licence,

first had and obtained from the Governor, or Commander-in-Chief for the Time being, or by Licence in such Manner as directed by this Act; and that all Marriages solemnized as aforesaid, without such licence first had, shall be, and are hereby declared illegal and void.

Provided always, That the Minister of the Church of England, serving the Cure of any Parish, shall have the Benefit of the Fee for all Marriages in the said Parish, if he do not refuse to do the Service thereof, although any other Person perform the Marriage Ceremony.

AN ACT FOR BUILDING A CHURCH IN WILMINGTON,
IN ST. JAMES'S PARISH, IN NEW HANOVER
COUNTY.

I. Whereas the church of St. James's parish in New Hanover County, is by law appointed to be built, in the town of Wilmington; and whereas many well disposed persons have subscribed liberally thereto, and a further sum is yet necessary to carry on and complete the same; wherefore

III. To encourage a further and larger subscription, for completing the said church in a decent manner; be it enacted, by the authority aforesaid, that every subscriber shall have a proper place in the said church, to build a seat or pew upon in proportion to his subscription, as the commissioners, or the majority of them, may determine; which piece or parcel of ground so adjusted and set off, shall be an estate of inheritance to such person or persons his or their heirs or assign, for ever; such person or persons building, or causing to be built, such seat or pew, as the commissioners may judge proper and regular, so as the same be set up and finished, within six months after completing the said church

IV. And be it enacted, by the authority aforesaid, that the commissioners hereafter mentioned or the majority of them, shall have it in their power to set off to such persons and their families, inhabitants of St. James's parish, such places for erecting seats, and under such regulations, as they, or the majority of them, may judge most proper.

V. And that said church may be carried on and finished in the best and neatest manner, and with all proper ceremony, be it enacted, by the authority aforesaid, that all members of his Maj-

and the fact that the movement was not a simple one. It was a struggle for the soul of the nation, for the soul of the people. It was a struggle for the soul of the nation, for the soul of the people. It was a struggle for the soul of the nation, for the soul of the people.

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esty's Council, Samuel Swann, Joseph Blake, William Faris, John Sampson, Lewis D'Rosset, and John Asbe, Esquires, be appointed commissioners; and they, or the majority of them, resident in the said parish, shall have and maintain an action in any court of record in this province, against any subscriber neglecting or refusing, after demand made to pay the money by him or her subscribed to and for building the said church; and the commissioners, or the majority of them, as aforesaid, are hereby empowered to fix upon a proper plan for the said church, and to agree with artificers, to purchase and get the materials together convenient for the building, with all that may be necessary for compleating the same.

VI. And whereas a piece or parcel of land is already allotted, and made over by Michael Higgins, at that time one of the proprietors of the aforesaid town of Wilmington, for the building of a church and church yard, the whole containing only half an acre, which being too small for answering both purposes; Be it enacted by the authority aforesaid, that the said commissioners shall be at liberty, and they are hereby empowered, to make use of thirty feet of Market street for the front of the said church to be seated upon, if they judge necessary.

VII. And for enlarging the church yard, be it enacted, by the authority aforesaid, that the commissioners before mentioned, shall be, and they are hereby empowered, to purchase such other parcels of ground, adjoining to the said half acre, as they may judge convenient, for the use of the church and church yard.

VIII. And be it further enacted, by the authority aforesaid, that if any subscriber shall die possessed of a seat in the said church, and no heir or assign of any such subscriber or subscribers, so dying, possessed as aforesaid, shall claim the same within three years after the death of such subscriber, the churchwardens for the time being are hereby impowered to dispose of the same, for the benefit of the said parish; anything in this act to the contrary, notwithstanding.

IX. And be it further enacted, by the authority aforesaid, that the commissioners shall yearly, on every Easter Monday, if required, produce a fair state of their accounts, with the vouchers, to the vestry and churchwardens of the said parish of St. James for the time being.

(1786.)

CONCERNING ATTORNIES.

And whereas the frequent Abuses of Attornies have occasioned distresses to many of the good People of this State; Be it therefore enacted, That it shall not be lawful for either Plaintiff or Defendant to employ in any Matter or Suit whatever more than one Attorney to speak to any Suit in Court; and Courts in this State are hereby directed not to suffer more than one Attorney as aforesaid in any Matter whatever, to plead for either Plaintiff or Defendant to any Suit, under the penalty of a Violation of this Act.

And be it enacted, That in any Matter or Suit depending in Court, it shall and may be lawful for either Plaintiff or Defendant to enter his own Plea and defend his own Cause, and that no Instrument of writing which contains the substance, shall be lost or destroyed for Want of Form, any other law to the contrary notwithstanding.

And be it further enacted by the Authority aforesaid, That all fees to be taken by Attornies in future, in any Suits in any of the several courts of Law and Equity established in this State, shall be as follows, to wit, In any Suit in Equity the sum of ten Pounds; in any Suits in any of the Superior Courts where the title of lands shall come in question, the Sum of five Pounds; in all other Suits originally commenced in any of the said Courts on the Law side, the Sum of five Pounds; in all Appeals from any other Court to the said Superior Courts, the Sum of five Pounds; in all Suits in the County Courts of Pleas and Quarter-Sessions where the title of lands shall come in question, the Sum of five Pounds; in all other Suits originally commenced in the said County Courts, the Sum of Two Pounds; in every Appeal from the Judgment of a Justice of the Peace to the said County Courts, the Sum of twenty Shillings.

And be it further enacted by the Authority aforesaid, That if any Attorney or Attornies shall presume to ask, take or receive, directly or indirectly, any other or greater Fees than are by this Act directed in all Civil Cases, it shall be deemed in such Attorney or Attornies a Misdemeanor in his office or Profession of an Attorney, and such Malpractices being made known to any of the courts within this State, such Court is hereby required

to direct the Attorney-General or the Solicitor on behalf of the State, to carry on a prosecution by Indictment for such Malpractice aforesaid; and if such Attorney or Attornies shall be thereupon convicted by the Verdict of a Jury, of taking any other or greater Fees than by this act are allowed, he or they shall in the same Court in which such Conviction shall be had, be thenceforth dismissed from Practice as an Attorney, for one Year, in every Court of Law and Equity within this State.

And be it further enacted by the Authority aforesaid, That every Attorney when employed in any Suit in any of the Courts of this State, shall file his Declaration in the Clerk's office, any time within the first three days of the Term in which the Writ is made returnable, and on failure thereof such Suit shall be dismissed by the Court at the cost of the Plaintiff; which cost being paid by said Plaintiff to the Clerk of the said Court, he or they paying such costs in consequence of a Declaration not being filed in Due Time as aforesaid, may warrant such Attorney for all such costs by him paid as aforesaid; and the Receipt of the Clerk shall and may be given in Evidence in support of such Claim; and the Justice before whom such Warrant shall be tried, may give Judgment and issue Execution thereon; and such Attorney shall be further liable to the Action of such Plaintiff, for such Damages as he or they may have sustained in consequence of such Declaration not having been filed as aforesaid.

(1787.)

AN ACT TO EFFECT THE CUTTING AND CLEARING
OF A ROAD FROM THE LOWER END OF CLINCH
MOUNTAIN TO THE CUMBERLAND SETTLEMENT,
AND FOR PRESERVING AND GRANTING SAFETY
TO THE INHABITANTS THERFOF.

Whereas it has been represented to the General Assembly by the Representatives of the counties of Davidson and Sumner, as the earnest wish of the inhabitants of said counties, that a law should pass impowering the commanding officers of the aforesaid counties to call on the militia thereof to carry the same into full effect: therefore

Be it enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same, that it shall and may be lawful for the commanding officers of

the before mentioned counties to appoint two or more persons to examine, survey and mark out the best and most convenient way from the lower end of Clinch Mountain to the settlements of Cumberland as aforesaid; and the said commanding officers are hereby vested with full power and authority to order out the militia of the counties of Davidson and Sumner, to cut and clear the road so marked as aforesaid, under the direction of themselves or either of them, or any of the field officers by them appointed to superintend the same.

And in order that the strictest justice may be done to every militia man and officer in performing the same.

Be it further enacted by the authority aforesaid, that the commanding officers of the said counties of Davidson and Sumner shall at their general muster in April next, cause the militia to be divided into four equal classes of first, second, third, and fourth as near as may be, in the same manner as the militia in this State was formerly classed, and shall call on them by classes or part of classes, beginning with the first and so in rotation until the road shall be cut as aforesaid; and in case any officer or militiaman shall refuse or neglect to appear when called upon to perform such tour, and bring with him such tool suitable for cutting and clearing the road aforesaid as may be enjoined by his officer, as also such quantity of provision as may be deemed necessary for such tour, or when on such tour or duty he shall refuse or neglect to perform the duties that may be enjoined him by the officer or officers having the command over the said work, he or they so offending shall suffer the same pains and penalties as are inflicted by the militia law now in force in this State, and be proceeded against in the manner as is by the said law directed, and all such fines and forfeitures shall go towards paying the persons employed in viewing and marking the said road.

And whereas it is just and reasonable that all persons performing any useful and laborious task should receive adequate compensation for the same.

Be it further enacted, by the authority aforesaid, that it shall and may be lawful for the county courts of the counties of Davidson and Sumner, in their quarter-sessions, to lay a tax on the poll and all taxable property within the said counties sufficient to pay the laborers employed in cutting and clearing the

said road from the lower end of Clinch mountain to the Cumberland settlements, and also those employed in superintending the same, and also for the provision necessary to be furnished those employed in the said service; and the tax so to be levied shall be collected and accounted for by the collectors of the public tax and by them to the county treasurer, and by him to the courts, and by them or by their chairman to those employed as above; and the said collector or collectors before he or they enters on the execution of their office, shall enter into bond with one or more sufficient securities in double the sum to be and by him or them collected, for the faithful performance of the trust in him or them reposed, and for the collection and accounting for all such monies by him or them to be received, after deducting three per cent for collecting and paying the same; and in case he or they shall fail or neglect to collect and account for the same in due time, he or they so failing or neglecting shall be proceeded against as in case of delinquent sheriffs or collectors, and suffer the same pains and penalties that may be had against such sheriffs and collectors of public taxes in this State.

And whereas it hath been found by experience that the inhabitants of the counties of Davidson and Sumner are exposed to great danger from the neighboring Indians, who may be provoked by the outrages of disorderly persons passing through or from the said counties to the Indian nations: for remedy whereof,

Be it enacted, by the authority aforesaid, that it shall not be lawful for any person to pass through or go from either of the counties of Davidson or Sumner to any of the Indian towns, unless he or they shall have a pass from some officer duly authorized under the United States, the executive of this State, or the field officers of the militia of one or other of the counties aforesaid.

Be it further enacted, that if any person or persons offending against the true intent and meaning of this act, he, she or they, being thereof lawfully convicted, shall be liable to a fine not exceeding ten Pounds, to be assessed by two Justices of the Peace; and in case any person within the limits of the counties of Davidson and Sumner shall menace, provoke or plunder a friendly Indian, or by threatening to kill or destroy or beat him or any of his tribe or the allies of his tribe being friendly to this

or the United States, he, she or they so offending shall be subject to the same pains and penalties on an action brought in behalf of such Indian, as though he, she or they had insulted or plundered a citizen of this State.

And whereas it hath been further presented to the General Assembly by the Representatives of the aforesaid counties that it would be of great utility and encourage the emigration to the Cumberland settlements, to empower the militia officers to call on the militia to escort families from Cumberland mountain to the said settlement not more than four times in every year.

Be it further enacted, That it shall be lawful for the commanding officers of the counties aforesaid, to call out any number of militia not exceeding fifty, at any time it shall be made known to them that a number of families are at the Cumberland mountains waiting for an escort to conduct them to the said settlement; and the County Courts are hereby required to levy a tax on the polls and taxable property in the said counties from time to time, sufficient to pay the said expence, to be collected and accounted for as in case of cutting a road mentioned in the foregoing part of this Act.

(1787.)

AN ACT TO ENCOURAGE THE MAKING OF SALT IN DAVIDSON COUNTY.

Whereas it is represented to the General Assembly by the inhabitants of Davidson county, that the salt springs cannot be of any public use unless some person or persons shall have the exclusive right of improving the same;

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that the springs or licks commonly called French Lick, Neeleys lick, Gasper's Lick, and Ramsey's Lick be vested in John Kirkpatrick, Lardner Clark, Jonathan Drake, William Simpson, John Boyd, Ephraim N. Laine, and Robert Edmondson, commissioners, to lease or rent the aforesaid springs or licks for any term or time not exceeding ten years from and after the passing of this act; and the monies arising from such leases or rents to be applied to the public use of the inhabitants of the county of Davidson; and the aforesaid commissioners shall give bond with security to the court of said County for the faithful accounting of said monies annually to the county treasurer, and shall make public advertisement of the time when the said leases shall be made and the said licks rented, at the court house of the said county, at least ninety days previous thereto.

MEMORIALS RELATIVE TO PUBLIC LANDS
CLAIMED BY THE UNIVERSITY OF
NORTH CAROLINA.

1. Memorial of the Trustees of the University to the General Assembly of Tennessee.

2. Memorial of the General Assembly of North Carolina to the Congress of the United States.

[The circumstances connected with the early settlement of Tennessee, and the land laws of North Carolina, led to peculiar complications of title at a later period, when the territory, after being ceded to Congress and organized as a Territory of the United States, was subsequently admitted as an independent State of the Union. Among other matters of dispute, was the title to lands granted by North Carolina to her State University. The case of the University is set forth in the following memorials.]

To the Honorable the General Assembly of the State of Tennessee, the Memorial of the Trustees of the University of North Carolina, respectfully represents, -

That the convention which formed the constitution of North Carolina in the year 1776, enjoined it as a solemn duty upon the General Assembly which was to sit under the constitution, to establish an University, and to endow it in such way that useful learning could be taught in it at low prices: That in obedience to this injunction the General Assembly did in the year 1789, establish an University, appointed trustees for its government and appropriated funds for its support, and at the same session they constituted and appointed the Trustees of the University assignees of all claims to lands founded upon the military services of the officers or soldiers of her continental line, where the officers or soldiers had died and left no heirs at law. The act thus vesting in the trustees all the escheated lands of the state and all claims in the nature of escheats was passed and was in full force before North Carolina parted with her sovereignty over the territory which now forms the State of Tennessee, and the said territory came to the United States

and was afterwards erected into a state subject to the condition, that all claims for military services should be satisfied out of the ceded territory, to the officers and soldiers of the continental line of North Carolina their heirs or assigns. North Carolina retained the right of perfecting titles to these claims for many years, when at the request of Tennessee she gave up this right upon the express condition however, that Tennessee should perfect titles in all cases where North Carolina was bound to perfect them, and upon the further condition that North Carolina should reserve to herself exclusively the right of issuing military warrants.—North Carolina in the exercise of this exclusive right has issued divers military warrants to your memorialists as the assignees of certain officers and soldiers of her continental line, part of which warrants formed the subject of a memorial which was submitted to your honorable body at your session in 1822. An act was then passed directing the Governor to appoint commissioners to examine the subject matter of the memorial, concerning the said warrants, and the commissioners so appointed after having duly examined the subject, made with your memorialists the agreement which is to be found amongst the printed acts of 1822, under which your memorialists transferred to the Colleges of Tennessee a large portion of the warrants mentioned in the memorial.

They further shew that since the year 1822, the State of North Carolina hath issued to them divers other military warrants, part of which were laid before your honorable body at the session of 1823, with a request that provision should be made for their location—your honorable body refused this request and forwarded a memorial to Congress soliciting a cession to Tennessee of all the vacant and unappropriated lands in the State. The General Assembly of North-Carolina upon being apprised of the refusal of Tennessee to perfect titles upon the military warrants issued to your memorialists, directed the Governor of that State to transmit to the Congress of the United States a memorial on the subject, a copy of which memorial with the documents accompanying the same is hereunto annexed and prayed to be taken as a part of this memorial. The General Assembly of North Carolina however, believing that it was the interest as well as the wish of Tennessee to put an end to the issuing of military warrants directed the secretary of State

to close the muster roll of her continental line and to issue to your memorialists warrants in each case where the officer or soldier or his heirs had failed to apply for them, and in pursuance of such direction the secretary of state hath issued sundry military warrants to your memorialists and hath closed the muster roll of the continental line.—Your memorialists in pursuance of the agreement entered into between them and the commissioners on the part of Tennessee in the year 1822 have assigned to the Colleges of Tennessee their portion of these warrants, and now on behalf of themselves and the Trustees of said Colleges they pray your honorable body to make provision that they be finally adjudicated and perfected into grants.

Your memorialists regret that it has fallen to their lot to be the Agents of North-Carolina in conducting an unpleasant controversy with Tennessee. They had hoped that the agreement entered into between them and the Commissioners of Tennessee, in the year 1822, had put this controversy to rest, and that nothing would occur to revive it. In discharge of the high duty imposed upon them and with that deference and respect which are due to the Legislature of a sovereign State, they beg leave to submit to your honorable body a few observations on the general subject of this controversy, referring to the memorial hereunto annexed, for a full illustration of the ground on which their claim rests: They have no personal interest in the application; its allowance or rejection will neither enrich nor impoverish them; they come not to urge any schemes of speculation, nor to ask the General Assembly anything for themselves; they come as the guardians of a literary institution in which not North-Carolina alone, but Tennessee and every part of the civilized world has an interest: Learning and science belong not exclusively to any State or country; their benefits are common property for the whole human race. An opportunity is now offered to the General Assembly of Tennessee of making provision for the enlargement and support of her own Colleges and of aiding a similar institution in a sister state: and of making this provision and extending this aid without imposing any burthens upon the people or diminishing, in the slightest degree, the resources of the State—The vacant lands out of which these warrants are to be satisfied belong to the United States—They form no part of the resources of Tennessee, and it cannot be expected, that

as North-Carolina ceded those lands, and the United States accepted them upon the express condition that all such claims as those your memorialists have urged should be satisfied out of them, the Congress of the United States will cede these lands to Tennessee before those claims are satisfied. Tennessee has now an opportunity of endowing her Colleges out of the public property of the nation; and will she forego the opportunity? Will she prefer that the land shall be rather kept for the purpose of private speculation than applied to the great purposes of education? Will she prefer a small temporary benefit to a permanent fund of moral and intellectual wealth that shall give dignity to the state, stability to her institutions and happiness and respectability to her people?

Tennessee complains of the number of military warrants which have of late years been issued by North-Carolina. It will clearly appear that there is no just ground for this complaint when it is recollected that there were no lands out of which the claims of North-Carolina could be satisfied until the late purchase was made from the Chickasaw tribe of Indians. The territory acquired from the Cherokees was given up to the exclusive use of Tennessee, and how much Tennessee has profited by this cession is evidenced by the sale of lands in the Hiwassee district. Where were the claims of North-Carolina to be satisfied? It was useless to exhibit them until they could be satisfied, and that time never arrived until in the year 1820 an appropriation was made in the Western district.

The objection no longer exists that Tennessee is ignorant of the extent and number of these claims: The muster roll of North-Carolina is now closed: Tennessee sees at once the number and extent of warrants yet to be satisfied: They bear but a small proportion to the quantity of vacant lands yet unappropriated by entry.

Your memorialists forbear further to press the subject upon the attention of your honorable body, at a moment when a spirit of conciliation and harmony between the two states is peculiarly desirable: they hope the subject will be taken up and acted on in the spirit of friendship and candor. If any difficulty presents itself as to the validity of the claim of your memorialists, or any doubt existing as to the obligation of Tennessee to perfect titles upon the warrants issued to them, they pray that coun-

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sel may be heard at the bar of the General Assembly in support of their claims. For this purpose William L. Brown and Alfred Balch, Esquires have been appointed by them.

Your memorialists rely with confidence upon the wisdom and justice of the General Assembly—If that honorable body should allow their claims, and make provision for their satisfaction, the unpleasant controversy so long existing between the two states will be terminated forever, and the memorial pending before Congress be immediately withdrawn.

GABRIEL HOLMES, Governor of the State of North Carolina and Ex officio President of the Board of Trustees of the University of that State.

IN HOUSE OF COMMONS, Jan. 1, 1824.

“Resolved, That his Excellency, the Governor be requested to address a Memorial to the Congress of the United States, requesting that Honorable Body to make provisions for satisfying out of the Land ceded by this State to the United States, such claims as have been adjudged valid by the State, under the Cession act of 1789, & which have remained unsatisfied.”

A. MOORE, Speaker of the House of Commons.

B. YANCY, Speaker of the Senate.”

A true copy,

WM. HILL, Secretary,

Raleigh, January 29, 1824.

SIR—In pursuance of the annexed Resolution of the General Assembly of the State of North-Carolina, I beg leave to submit to the Congress of the United States, the following Memmorial.

With great respect, I am, Sir,

Your obedient servant,

GABRIEL HOLMES,

Governor, &c. of the State of North Carolina.

The Hon. HENRY CLAY, Speaker

of the House of Representatives.

To the Congress of the United States. The Memorial of the General Assembly of North Carolina, respectfully represents

That the General Assembly of the State of North-Carolina, at their Session in November, A. D. 1789, in pursuance of the recommendation of the Continental Congress, authorised and

directed their Senators in Congress to convey, to the United States, all the right, title and claim, which that State had to the Sovereignty and Territory of the Lands now forming the State of Tennessee, upon certain conditions, and subject thereto. Part of those conditions were, that the lands laid off, or directed to be laid off, by any act or acts of the General Assembly of that State, for the officers and soldiers thereof, their heirs and assigns, respectively, should be and enure to the use and benefit of the said officers and soldiers, their heirs and assigns respectively; and if the bounds of the said lands theretofore prescribed for the said officers and soldiers, should not contain a sufficient quantity of lands fit for cultivation, to make good the several provisions intended by law, such officer or soldier, or his assignee, who should fall short of his allotment or proportion, after all the lands fit for cultivation within the bounds should be appropriated, should be permitted to take his quota, or such part thereof as might be deficient, in any other part of the Territory intended to be ceded, which had not theretofore been appropriated. And where entries had been made agreeable to law, and titles under them not perfected, by grant or otherwise the Governor for the time being was required to perfect such titles, in such manner as if the cession of the said Territory had not been made. And where any person had, by virtue of an act entitled "An act for opening the land-office for the redemption of specie and other certificates, and discharging the arrears due to the army," passed A. D. 1783, made his entry in the office, usually called "John Armstrong's office," and located the same to any spot or piece of ground, on which any other person had previously located any entry, the person who made such entry should have leave to remove the location thereof to any land on which no entry had been specially located, or any vacant lands included within the limits of the lands intended to be ceded.

On the 25th of February, 1790, a deed was executed, conveying to the United States the said Territory, and the cession was accepted by Congress on the 2d of April following. By the act of cession, North Carolina reserved to herself the right and power of perfecting titles to land in the Territory ceded either, 1st, for military services, or 2dly, upon entries which had

been made agreeably to law, and the titles thereon not perfected by grant. This right of perfecting titles, was, at the special request of Tennessee, yielded to that State, by an act passed by the General Assembly of North-Carolina, in the year 1803, which act was to take effect when ratified by the State of Tennessee, and assented to by the Congress of the United States, as an agreement or compact between North-Carolina and Tennessee. That act declares that Tennessee shall have full power and authority to issue grants and perfect titles to all claims of land lying in said State, which, under and agreeably to the cession act of 1789, remained and were reserved to be issued and perfected by North-Carolina, in as full and ample a manner as North-Carolina possessed the same, under certain conditions and restrictions set forth in the act; one of which is, that North Carolina reserves to herself exclusively, the right of issuing military warrants." This act was ratified by the State of Tennessee on the 4th of August, 1804, received the assent of the Congress of the United States on the 18th of April, 1806, and thenceforth become a solemn compact between the States of North-Carolina and Tennessee.

Under this compact, Tennessee became bound to perfect all those titles which North-Carolina had, by the act of cession in 1789, reserved to herself the right to perfect, to wit: 1st, titles founded upon military services, and 2dly, upon entries. As to the first North-Carolina had pledged her faith to the officers and soldiers of her Continental Line in the Revolutionary War, that each of them who should serve for a certain length of time, or enlist during the war, and either die in service, or be honorably discharged, should be entitled to a certain portion of land, to be laid off in that part of her Territory which now forms the State of Tennessee. As to the second, North-Carolina, for the purpose of discharging the Certificate Debt in which the Revolutionary War had involved her, opened an office in the year 1783, usually called "John Armstrong's office," for receiving entries of land lying in her Western District, at the price of ten pounds in certificates for each hundred acres. Many entries were made in this office, and a large part of the Certificate Debt of the State thereby discharged. But owing in part to the death of claimants, in part to the almost continual hostility of the

Cherokee Indians, it happened, that in the year 1789, when North-Carolina ceded her Western Territory to the United States, numerous claims, founded upon military services and upon entries in John Armstrong's office, remained unsatisfied; and the cession was made and accepted, upon the express condition that those claims should be satisfied out of the Territory ceded. The Indian title remained unextinguished for many years, and the consequence was, that only a few of the claims from North-Carolina could, after the year 1789, be satisfied out of lands fit for cultivation; and it pleased Congress to cede to Tennessee, by their act of the 18th of April, 1806, nearly one-half of all the vacant lands lying within her limits, and to restrict claimants from North-Carolina to the other half of the vacant lands for a satisfaction of their claims; and this other half was then, and continued, until a treaty was made with the Chickasaw tribe of Indians in the year 1818, covered by the title of that tribe. It was not until after this treaty was made, and Congress had authorised Tennessee to satisfy claims derived under North-Carolina, out of the lands lying west and south of the line prescribed by the act of Congress of the 18th April, 1806, that claimants under North-Carolina had an opportunity of getting their claims satisfied. That State, anxious to redeem her plighted faith, gave notice of this opportunity to the officers and soldiers of her Continental Line, their heirs and assigns, and caused the muster-roll of this line to be transcribed and published. She has gone on, year after year, since that time, issuing military land warrants, until she has at length closed her muster-roll; and Tennessee has provided for satisfying all the military warrants issued by her up to October, 1822, and has provided for some that have issued since: That there remain about one hundred and forty military warrants, issued by North-Carolina since October, 1822, and a few warrants issued upon entries, which remain unsatisfied; and the General Assembly of Tennessee have, upon application, as to a part of these warrants, refused to make any provision for their satisfaction—and have declared in a Memorial to Congress, that all the bona fide claims from North Carolina, have either been satisfied or provided for. A copy of the act passed upon this subject by the General Assembly of Tennessee, at their last session, is annexed to this Memorial, and marked E.

By reference to it, Congress will perceive that no provision is made in it for satisfying any warrants, except such as have been heretofore submitted to a Board of Commissioners, appointed by Tennessee for the adjudication of North-Carolina land claims. This Board has been dissolved long since, and none of the warrants issued by North-Carolina since October, 1822, were ever laid before that Board, because it had ceased to exist before those warrants were issued; and it was on that account, that part of the said warrants were laid before the General Assembly at their last session with a Petition, praying that provision might be made for satisfying them. Without reference to the act passed by the General Assembly of Tennessee at their last session, Congress would be led to believe, from the fact stated in the Memorial of that honorable body, that they had again opened offices for the adjudication and satisfaction of all claims derived under North-Carolina; whereas it appears from the act, that only such claims are to be adjudicated "by the Board of Commissioners for West-Tennessee, since the year 1819." This Board was dissolved in Nov. 1822; and it is apparent that no provision is made by the act aforesaid, for the adjudication and satisfaction of warrants issued by North-Carolina since November, 1822.

In this state of things, the General Assembly of Tennessee have requested the Congress of the United States to cede to that State all the vacant lands lying within her limits, south and west of the line prescribed in the act of Congress of the 18th of April, 1806, amounting in quantity to more than two millions of acres, as the public records of Tennessee will clearly shew. North Carolina would be wanting in her duty to those persons who, forty years ago, advanced the money for her western lands, to aid her in discharging her certificate debt of the Revolutionary War; she would be still more wanting in her duty to the officers and soldiers of her Continental Line, who aided in fighting the battles of that war, were she to remain quiet on this occasion, and not to protest against this cession, until all the honest claims upon her justice and generosity shall be satisfied. She cannot forget the fact, that the Territory of Tennessee once belonged to her. What profit has she derived from it, and in what way has she disposed of it? In the first place, she set apart

as much of this Territory as would pay a debt of gratitude which she owed to the officers and soldiers of her Continental Line. In the next place, she opened an office, and sold another part of the Territory for the purpose of discharging the Certificate Debt which she had incurred by the war; and lastly, for the purpose of enabling Congress to pay the debts of the United States, she conveyed all the residue of the said Territory, declaring that it should constitute a Common Fund, for the use and benefit of the United States. Thus has North-Carolina, resigning her ambition, and the certain prospect of her political preponderance in the confederacy of the States, actuated solely by her devotion to the public interest, dismembered her Territory, and appropriated one-half thereof to the generous purpose of paying the debts of the Nation. And what has she asked in return for these generous sacrifices? Only, that claims upon her for military services, and bona fide entries, should be satisfied.

It does not become a Sovereign State to utter the language of complaint; and in appealing to the Supreme Tribunal of the Nation on this occasion, the General Assembly of North Carolina believe it proper to rest their case upon the broad ground of Moral Right only. They have no unkind feelings towards Tennessee: The two States are members of the same kindred family, and their people cherish for each other mutual respect and affection. Tennessee has high claims upon the gratitude of the Nation: North Carolina acknowledges their justness, and should it be the pleasure of Congress to cede to Tennessee the vacant lands which may remain after the claims derived under North-Carolina shall be satisfied, this State will be the last in the Union to complain of the cession.

The General Assembly of Tennessee rest their refusal to make provision for satisfying further claims, upon two grounds—one of which is openly avowed, and the other obscurely hinted at in their Memorial to Congress. The first is, that they had a right to prescribe a limited time for bringing forward those claims; that they did prescribe such a time, and declared that all claims not brought forward within it, should be forever barred. The time fixed for closing their offices, was the first Monday in May, 1823; but the time for filing claims, was limited to October, 1822. The second ground is, that Tennessee has a right to sit

in judgment upon warrants issued by North-Carolina, and to allow or disallow them, as she may think proper. A few remarks will shew that neither of these grounds is tenable.

As to the first. It may be observed, that in point of interest, it is entirely immaterial to Tennessee, at what time those claims are brought forward; for they are to be satisfied out of lands to which she has no title. But independently of this fact, no time is pointed out in the cession act of 1789, nor is the compact between North-Carolina and Tennessee in 1804, within which those claims should be brought forward—and sufficient reasons for not fixing a time, were to be found in the then condition of the lands out of which those claims were to be satisfied. Most of the lands were covered by the Indian title, and it was uncertain when that title would be extinguished. It has been before shown, that no opportunity offered of satisfying a large portion of those claims until the year 1819, by which time many of the claimants had died, and others had removed to distant parts. But upon what principle can Tennessee limit the time for exhibiting those claims? She neither issues the warrants, nor owns the lands out of which they are to be satisfied. North-Carolina has reserved to herself the exclusive right of issuing the warrants, and Tennessee, by her compact with that State has agreed to perfect the titles in all cases where North-Carolina was bound to perfect them. There might be some force in the remark, that North-Carolina might prescribe a time within which claims should be exhibited to her for warrants; but upon no principle of moral right could such a power be exercised by Tennessee. Believing however, that it would be to the interest of all parties concerned, and understanding that such a measure was desired by Tennessee, the General Assembly of North-Carolina have ordered the muster roll to be closed; and although it is possible that a few cases yet remain in which warrants ought to be issued, it is certain that the number of cases is very small. It would be wrong to close the door against an honest claimant, who has waited forty years for a debt which his country owes to him, and which, owing to peculiar circumstances, his country could not pay till very lately. If, therefore, it should appear that a few cases yet remain in which warrants ought to be issued, justice will demand from the General Assembly of North-Carolina that those warrants be issued.

The second ground on which the General Assembly of Tennessee refuse to make provision for satisfying further claims, is, that they have a right to sit in judgment upon warrants issued by North-Carolina, and to decide whether the warrants have been rightfully or wrongfully issued. North-Carolina cannot recognize in Tennessee any such right, and contends that the exercise of it is a direct breach of the compact between the two States, and incompatible with the rights reserved by North-Carolina. It is admitted, that Tennessee may enquire whether the warrants be genuine or spurious—but not whether they were rightfully issued or not. This enquiry belongs exclusively to North-Carolina, who in her compact with Tennessee, “has reserved to herself, exclusively, the right of issuing military warrants; a right which necessarily implies the exclusive right of judging and determining in what cases, and to whom military warrants are to be issued. To what purpose has North-Carolina reserved to herself, exclusively, this right, if Tennessee is to decide whether she has exercised it properly or not? The comity which exists between independent States, forbids the presumption that North-Carolina would exercise this right *mala fide*.

If, therefore, North Carolina, by the cession act of 1789, and her compact with Tennessee in 1804, was left at liberty to determine what claims were to be satisfied, and to whom, and Tennessee has agreed to perfect all titles which North Carolina was bound to perfect; it necessarily follows, that the warrants which North Carolina has issued, or may hereafter issue, ought to be satisfied, and that Tennessee ought to provide ways and means for their satisfaction.—And the United States having accepted the cession upon the express condition, that all *bona fide* claims upon North-Carolina for military services, or upon entries, should be satisfied out of the lands ceded; and Congress, by their act of 18th April, 1806, having assigned to the exclusive use of Tennessee, all the vacant lands lying north and east of the line therein prescribed, and declared that all the lands lying south and west of that line should belong to the United States, subject to the claims aforesaid from North-Carolina; and Congress having, by their act of 1818, authorized the State of Tennessee to satisfy claims derived from under North-Carolina, out of the lands lying south and west of said line; and the State of Tennessee having refused to satisfy divers claims which North-Car-

olina has acknowledged to be just and directed to be satisfied, it is submitted, whether it be not the duty of Congress to provide for the satisfaction of these claims. The lands belong to the United States, they are subject to the disposal of Congress, and the faith of the Government is pledged, that bona fide claims from North-Carolina shall be satisfied out of these lands.—The General Assembly of North Carolina, do, therefore, respectfully request the Congress of the United States to provide for the satisfaction of those claims, out of the lands lying south and west of the line prescribed by the act of the 18th of April, 1806.—And as many of those claims are for more lands than can be obtained in a body fit for cultivation, out of the vacant lands now remaining to the south and west of that line; and as Congress has, by the act of 1806, ceded to Tennessee all the vacant lands lying to the north and east of that line, although by the cession act of 1789, all the Territory ceded was subject to the satisfaction of claims derived from North-Carolina, it is submitted to Congress, whether, in justice to those whose claims have not yet been satisfied, provision ought not to be made that their warrants may be divided, and satisfied in tracts of land not less than three hundred and twenty acres each; that all claimants of equal merit, may stand as nearly as may be, upon an equality. It is a fact well known, that numerous small tracts and that no large tracts of vacant land now remain for the satisfaction of warrants. And when it is recollected, that claimants under North-Carolina have been cut off by the act of Congress of the 18th of April, 1806, from one-half of the vacant lands originally set apart by North-Carolina for the satisfaction of their claims, it is hoped that no objection can exist to making provision for satisfying those claims out of the lands which remain, in such a way, that equal and impartial justice may be done to the claimants. Those claims do not exceed one hundred thousand acres—and there remain more than two millions of acres of vacant lands. When those claims shall be satisfied, North-Carolina will be content with any disposition which it may be the pleasure of Congress to make, of the residue of the vacant lands. Signed in behalf of the General Assembly of the State of North-Carolina, by

GABRIEL HOLMES,

Governor, &c. of the State.

January 29, 1824.

From an Act for the better regulation of the Town of Tarborough (1885):

"And whereas from the many encroachments made on the streets of the said town by erecting piazzas, porches and other buildings, and enclosures thereon, the inhabitants are incommoded:

"Be it therefore further enacted, that the Commissioners thereof be and they are hereby empowered and required to impose a ground rent, not exceeding twenty shillings, to be paid annually for each piazza, porch or other encroachment on the streets of what kind or nature forever, of six feet in width adjoining to or being before any one house or tenement; on each piazza, porch or other encroachment of less than six feet in width, a sum not exceeding fifteen shillings; and on all piazzas, porches and other encroachments of a greater width than six feet, a rent of eight shillings on each foot over and above six, shall be imposed exclusive of the ground rent aforesaid, to be collected and applied as hereinafter directed."

1789—An Act for the relief of such persons who may be wounded by the Indians within the district of Mero, and for other purposes:

"Whereas it has been represented to the General Assembly, that several persons within the district of Mero being wounded by the Indians, had it not in their power to employ physicians, surgeons, nurses, or to provide themselves with the necessary medicines and attendance, by which means their lives have been much endangered; and whereas it is probable that several persons under the said circumstances have died for want of proper care, for remedy whereof,

"I: Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that from and after the passing of this act, the county courts of Davidson, Sumner, and Tennessee shall be and they are hereby empowered and authorized, whenever it may appear to their satisfaction that the person wounded by the Indians is not able to defray the expenses of his treatment and cure, to pass the accounts of physicians, surgeons, and nurses, and those for the necessary medicines, provisions and attendance, the same being properly attested and proven on oath; which accounts

thus passed by the said courts shall be received in payment of all public taxes by the collectors, sheriff and other officers in said district; any law or custom to the contrary notwithstanding.

"And whereas it is a good policy to keep up a friendly intercourse with the Indians tribes in amity with the good people of this State:

"Be it therefore enacted, by the authority aforesaid, that all accounts of provisions, furnished to Indians within the district of Mero by any of the inhabitants thereof, be it duly proven on oath, and the same being exhibited in the Court of the county wherein such persons may reside, the said court shall be and is hereby empowered to pass all such accounts, and to fix the price of such provisions furnished to the Indians; which accounts thus passed by the court as aforesaid, shall be received in payment of any of the public taxes in said district; any law or custom to the contrary notwithstanding.

"Be it further enacted, that on account of the scarcity of physicians and surgeons within the district of Mero, that all practicing physicians and surgeons within the said district shall be exempt from all militia duty, except in the case of actual invasion or insurrection."

Documents refered to in the preceding memorials:

Session Act of 1789, which ceded to the United States of America certain western lands therein described.

An Act (1804) ratifying and confirming an Act of the General Assembly of the State of North Carolina, entitled "An Act to authorize the State of Tennessee to perfect titles to lands reserved to this State by the Cession Act."

An Act (1805) to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same.

RECORDS OF WASHINGTON COUNTY.

[CONTINUED.]

May Term 1782

At a Court begun and Held at the Court House on the 27th day of May Anno Domini 1782 Present the Worshipful Andw. Greer, Chrman, Jno. McNabb, Jos. Willson, Richd. White, Wm. Clarke, Chas. Robertson, Volentine Sevier, Wm. McNabb.

A Grand Jury summoned to wit Jesse Bounds, Jno. Nave, Joseph Posey, Hosea Roan, Thos. Jonachin, Saml. Hill, Jacob Brown, Jas. Stinson, Joseph Young, Jesse Been absent Thos. Brumit, Jonas Little, George Been absent John Terry, Wm Cox, David Willson absent and Henry Massingill. The Grand Jury Sworn and have received their charge Wm Meeks appointed to attend the Grand Jury.

On complaint of Hosea Roan by his attorney Ephraim Dunlap esq that he the said Hosea Roan had just Reasons to believe that Capt. Jacob Brown intended to do him some bodily hurt and damage and that the complainant may have leave to produce his witness &c which was accordingly done and the Court have ordered that the said Capt. Jacob Brown Give security for his good behavior &c for one year and one day himself in the sum of £100 specia and two securitys in the sum of £50 specia each.

Capt. Jacob Brown principal in the sum of £100 specia and Chas. Robertson & Jona. Tipton securitys each £50 specia. Void on condition principal be of a good behavior for a year and a day particularly toward Hosea Roan.

The Last Will and testament of John Pavely decd was duly proven by the oaths of Ch. Dodson and Lewis Pavely and the same is ordered to be recorded—Letters granted—20 paid.

The Last Will and Testament of Wm. Been decd was duly proved by the oath of Thos. Hardiman and the same is ordered Recorded.

Ord. that Deds potestatem issue to three justices in . . . District to take the depositions of Vardara Magbee, Geo. Underwood, Wm. Cooper, James Denard on behalf of Wm Saffold in a suit between the sd Saffold and Matthew Gale.

Jona. Tipton, Joseph Buillard, Jas. Denton and Jas. Ray Securities for the apearance of John Odull to this Court have sur-

rendered him up to this Court and J. Odull is ordered into custody.

John Odull is Discharged.

Cleavers Barksdill is appointed Sheriff for the present year, he first giving bond and security as Required by Law.

Cleavers Barksdill esq Have entered himself with Charles Robertson Wm Cocke Volentine Sevier and Ephraim Dunlap and Saml. Williams esqs. in the sum of five thousand pounds specia for the faithfull execution of the Sheriffs office for the year 1782.

Agness Hay, have leave of administration on the Estate of David Hay Decd. she first giving bond and security as by Law required in the sum of three thousand pounds specia and have also entered herself with Pharoah Cobb and Wm Ward in the above sum.

Thos. Ritchee is appointed Constable in the Room of Wm Moore.

Thos. Mitchell is appointed Constable in the room of Abraham Hill.

The Last Will and Testament of Aaron Burleson decd. was proven by the oath of Thos. Williams and same is ord. Recorded.

Ord. that Jeremiah Terrill give security in the sum of £100 specie himself and his two securities in the sum of £50 specie each for his good behavior for twelve months especially toward Mildred Bond.

Jaramiah Terrill in the sum of £100 specie.

Wm Meek and Thos. Brumit securities for £50 specie each.

Void on condition the principal be of a peaceable and good Behavior for twelve months especially towards Mildred Bond.

Court adjd. till to-morrow 8 oc.

Tuesday morning. Met according to adjournment.

Wm Cocke, Andrew Taylor, and James Henry assessors for the year 1781 Have made their Return and the same is Recd by the Court.

Ordered that George Bond an orphan boy the age of thirteen years be bound unto John Clark Blacksmith until He shall attain to the age of twenty one years.

Ordered that John Clark B Smith be appointed and constituted guardian to George Bond an orphan boy now of the age of thirteen years.

John Clarke have entered himself with Wm Clarke and James Hubbard his sectys in the sum of five hundred pounds specie for his faithfull performance as guardian to George Bond.

John Clarke, John Gillaland and Joseph Tipton added to Grand Jury.

Ord. that Wm Phillips be summoned to appear next Court to show cause if any he have why a conditional fine of five pounds

shall not be confirmed against him assaulting and ill treating Jesse Been one of the G. Jury.

Michael Woods, Alexander Moore and Saml Sherrill Jr is appointed to appraise the estate of Adam Broils decd.

On motion of Mary Handly by her attorney Luke Bowyer Esq that she the sd Mary should be released and set free from an Indenture suggested to be fraudulently obtained by a certain Wm White against her the sd Mary Handly, and that the sd Wm White had restrained the sd Mary from her Liberty, made sale and disposed of her contrary to law to her great damage &c.

The Court taking the same under consideration are of opinion that the sd. Mary Handly have been illegally dealt with by the sd Wm White and by him confined and disposed of contrary to Law and therefore order that sd Mary Handley be set at her liberty and that she be permitted to go about her lawfull occasions.

Ordered that Ed. Maguff an orphan boy now of the age of seven years be bound unto Gideon Morriss and sd Morriss agrees with the Court that he will give unto sd child Two years schooling and a Common good suit of cloths at the expiration of his apprenticeship.

Ordered that Joseph Whitson serve as Constable in the room of Isaac Taylor.

Ordered that the Sheriff take John Grimes and bring him before our next Court to answer the complaint of Elizabeth Ireland.

The State

vs

Misdemeanor

John Holly

Wm Fain witness for the State Sworn.

The Court on hearing the charge and the witness examined are of opinion that the defdt. is guilty of a grate misdemeanor and order him to be fined the sum of fifty shillings specie.

The Grand Jury do present Thomas Carder for stealing a small piece of steel.

Edmund Williams, Wm Brimer, Augusta Carter Richd Brasil.

On motion of Wm Cocke Esq that two negroes now in possession of Cleavers Barksdill Sheriff and by him taken from Jordan Roatch on suspicion that sd negroes were plundered from some of the citizens of South Carolina, But as no proof appeared that sd negroes was plundered by sd Roatch he moved they might be ordered into the custody of sd Jordan Roatch.

The Court on Considering the matter order that the sd negroes be Immediately delivered to sd Jordan Roatch (on proviso) sd Roatch give his Bond with good security that he will keep the sd negroes in this County six months from this date and deliver them at any time when legally proven by the owner or any person having a right to the same.

On motion that Joshua Baulding should be admitted to come in and remain henceforth peaceably in this County on proviso that he comply with the Laws provided for persons being inimical to the State, and have rendered service that will expiate any crime that he has been guilty of inimical to the State or the United States.

The Court on Considering the same grant the sd leave.

(Copy issued to his wife).

Wm Barry have Deposited to the Clerke three thousand five hundred dollars in order to satisfy a Bond on which John Jameson Brought suit upon vs the sd Wm Barry.

Also have paid to the Clerk 14 for his fees and 25 to Wm Cocke atto. for his fees in specie.

Wm Hopkins is discharged by proclamation &c.

The State

vs

Indctmt for stealing a peace of steele

Wm Carder.

Edmund Williams, Wm Brimer, Augustus Easter, Richd Brasil Witnesses for the State, Sworn.

A Jury towit: John Long, Joseph Notion, Joseph Ballard, Isaac Denton, Anderson Smith, Edward Mercer, Forester Mercer, Walton Carr, James Wray, Jesse Coalman, James McAdams, and Isaac Choate.

We of the Jury do find that the Def't is not guilty.

John Long foreman.

Court adjourned till tomorrow morning 9 o'clock.

Court met according to adjournment.

1. James Roddy, Cornealius Bowman & Jos Foard is appointed assessors for the first district, & Richard White, esq Justice for the same and Andrew Willson Constable.

2. Thos. Houghton Esq

Landon Carter

Vol. Sevier

And. Greer

Jos. Whitson

Assessors

Constable

3. Geo. Russell Esq

Mark Mitchell

Pharoh Cobb

Jesse Been

Wm Grissom

Assessors

Constable

4. Chas Robertson Esq

Jesse Bounds

Isaac Mayfield

Wm Murphy

Wm Meeks

Assessors

Constable

5. Danl. Kennedy Esq
 Peter Keikendall
 Wm Rickey
 Saml Weir
 Jesse Gentry
- Assessors
 Constable

John Sevier, Wm Cocke and Vol. Sevier is appointed Commissioners of Confiscated property &c for the year 1782 giving bond and security in the sum of fifteen thousand pounds specie.

John Sevier, Wm Cocke and Volentine Sevier have entered themselves with And. Greer, Wm McNabb & Saml. Williams esq there securitys in the sum of fifteen thousand pounds specia for the faithfull discharge in office as Commissioners of Confiscated property for the year 1782.

John Sevier a Commissioner of Confiscated property for the year 1781 made return that he sold two slaves that was confiscated of the estate of Thomas Barker at the price of thirty four hundred pounds and that he has the money ready to render.

The State

vs

Indictmt for stealing Horses

Ezekiel Able.

John Odull, Witness for the State—sworn.

Mary Hopkins, Chas. Hughes & Jesse Coalman witnesses for Deft—sworn.

The indictment quashed for insufficiency.

The Last Will and Testament of Adam Broils decd was duly proven by the oaths of Jno. Waddell, Coonrad Willhite & Mathias Broils and the same is ordered to be recorded.

Ord. that Sci. Fa. issue vs. Chris. Choate, David Choate, John Scott and Wm Grissom to appear next Court and show cause if any they have why their Recog. shall not be forfeited that they entered into to appear at this Court in the sum of £200 specia and that Judgmt. shall not be confirmed for the sum of £200 aforesaid.

On motion that John Clarke should be bound to his good Behavior for fear that he may do John Nave some damage either in person or property and on the sd Nave's oath he should be bound.

The same being taken, the Court order sd John Clark to give security himself in the sum of £100 specia and two securitys in the sum of £50 each specia.

John Clark prin. £100.

Vol. Sevier & Wm Clarke Secty £50.

Condition the principal be of a good and peaceable Behavior for one year especially toward Jno Nave.

John Gillaland

vs

On Cavit

John Shurly.

The sheriff have returned into Court that the jury have found for the defendant.

On motion of Wm Cocke esq on behalf of the Pltff that a new Tryal be granted it is the opinion of the Court that there be a new Tryal.

Joseph Young,

vs

On Cavit

Wm Gray.

The sheriff have returned into Court that the jury have found for the Pltff. The Court orders that order issues accordingly.

The Court allow the clerk to take and receive for issuing orders for each Tryal of cavited land 20 sh in specie and for witnesses as in other cases according to the former laws prescribed in Davis justice of the Peace.

Ordered that the grist mill now building by — Allison be and is hereby appointed and constituted a public grist mill and that he be entitled to the same rights as other grist mills have within this county.

Alex. McFarlin have leave to build a grist mill on pigeon Creek on his own land and after the same is built be intitled to the same rights and immunities as other public grist mills are entituled.

The Court allow Cleavers Barksdill Sheriff in specie fifty pounds for his ex officio services for 1781.

Sarah Bybee have chosen Isaac Mayfield her guardian and is appointed as such by the Court and have entered himself with Chas Robertson and Zachariah Isbeli Esq in the sum of one hundred pounds for his performance as such.

TENNESSEE

Historical Society Number

OF THE

AMERICAN HISTORICAL
MAGAZINE

Vol. VI.

OCTOBER, 1901.

No. 4.



DEVOTED ESPECIALLY TO THE HISTORY OF TENNESSEE
AND ADJOINING STATES

PUBLISHED QUARTERLY BY THE PEABODY NORMAL
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TENNESSEE HISTORICAL SOCIETY NUMBER
OF THE
American Historical Magazine.

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PRELIMINARY NOTE.

At the regular monthly meeting of the Tennessee Historical Society, June 11, 1901, a committee consisting of R. L. C. White, chairman, Frederick W. Moore and S. A. Cunningham submitted a report with regard to a resolution, offered by Prof. Frederick W. Moore at a previous meeting and referred to the committee, declaring it to be the sense of the Society that "an annual report should be published, for distribution to the members and correspondents of the society." Said report recommended the adoption of the resolution, and submitted in connection therewith a proposition from the publishers of the AMERICAN HISTORICAL MAGAZINE, the acceptance of which was also recommended by the committee, offering to the society, free of cost, the use of one issue of the Magazine each year, to be known as "The Tennessee Historical Society Annual," and to be under the editorial control of the Secretary of the society, in association with the editors of the Magazine. The recommendations of the committee were adopted, and the October issue of the Magazine of each year was selected for the purpose indicated.

In accordance with the action of the Society, as set forth above, the first issue of the "The Tennessee Historical Society Annual" is herewith submitted. It is believed that the difficulties with which the editors have had to contend in inaugurating this undertaking will readily be recognized, and hence no apology is offered therefor.

American Historical Magazine

Vol. 10, No. 1, 1907

CONTENTS

As the regular meeting of the Texas Historical Society (June 17, 1907), a committee consisting of Dr. J. L. Wright, Chairman, Messrs. W. H. Jones and Dr. A. C. Gentry, have submitted a report on the progress of the work of the Society during the year 1906. The report is published in this issue of the Magazine. The report is a summary of the work of the Society during the year 1906, and is a valuable contribution to the history of the Society. The report is divided into two parts, the first of which is a summary of the work of the Society during the year 1906, and the second of which is a summary of the work of the Society during the year 1907. The report is a valuable contribution to the history of the Society, and is a valuable contribution to the history of the State.

OFFICERS OF THE TENNESSEE HISTORICAL SOCIETY,
1901-2.

JOHN M. LEA, *President.*

W. A. HENDERSON, *Vice President.*

G. P. THRUSTON, *Vice President.*

JAMES D. PORTER, *Vice President.*

R. L. C. WHITE, *Secretary.*

R. T. QUARLES, *Corresponding Secretary.*

JOSEPH S. CARELS, *Treasurer.*

CHARTER.

Be it Known, That J. G. M. Ramsey, Anson Nelson, R. C. Foster, 4, M.D., J. H. Currey, Charles Ready, G. P. Thruston and J. B. Lindsley are hereby constituted a body politic and corporate, by the name and style of THE TENNESSEE HISTORICAL SOCIETY.

The general purpose of this Society is to collect, preserve and perpetuate facts and events connected with the history of Tennessee, the objects of the association coming within the purview of the third paragraph of the first section of an act of the general assembly passed the 23d day of March, 1875, entitled "An act to provide for the organization of corporations," said paragraph being in these words: "The support of any literary or scientific undertaking, as a college or university, with power to confer degrees, an academy, a debating society, lyceum, the support of a historical society, the promotion of music or fine arts, the support of boards of trade or chambers of commerce, or other objects of like nature."

The general powers of said corporation shall be to sue and be sued by the corporate name, to have and use a common seal, which it may alter at pleasure; if no common seal, then the signature of the name of the corporation by any duly authorized officer shall be legal and binding; to purchase and hold, or receive by gift, bequest or

devise, in addition to the personal property owned by the corporation, real estate necessary for the transaction of the corporate business, and also to purchase or accept any real estate in payment or in part payment of any debt due to the corporation, and sell the same; to establish by-laws and make all rules and regulations not inconsistent with the laws and constitution, deemed expedient for the management of corporate affairs; and to appoint such subordinate officers and agents, in addition to a President and Secretary or Treasurer, as the business of the corporation may require, designate the name of the officer, and fix the compensation of the office.

The said five or more corporators shall, within a convenient time after the registration of this charter in the office of the Secretary of State, elect from their number a President, Secretary and Treasurer, or the last two officers may be combined into one. Said officers and the other corporators to constitute the first Board of Directors.

In all elections, each member shall be entitled to one vote, either in person or by proxy, and the result to be determined by a majority of votes cast. Due notice of any election must be given by advertisement in a newspaper, personal notice to the members, or a day stated on the minutes of the Board six months preceding the election.

The Board of Directors shall keep a record of all their proceedings, which shall be at all times subject to the inspection of any member. The corporation may establish branches in any other county in the state.

The Board of Directors may have the power to increase the number of Directors to seven or ten, if they deem the interest of the corporation requires such increase; and the first or any subsequent Board of Directors may have the power to elect other members, who, on acceptance of membership, shall become corporators equally with the original corporators.

The Board of Directors shall have the right to determine what amount of money paid into the treasury shall be a prerequisite for membership, or, if necessary, what amount shall be thus annually paid, and a failure thus to pay shall, in the discretion of the Directors, justify the expulsion of said defaulting member.

If said corporation is organized as a literary or educational institute, under the patronage of any Christian or Jewish denomination, the corporation shall have the power to increase the number of Directors or Trustees, to regulate the mode and manner of appointment

of the same, or expiration of terms of service; to regulate the number, duty and manner of election of officers, either actual or ex officio; to appoint executive agencies, and to pass all other by-laws for the government of said institution as may be required by the denominations establishing the same; *provided*, said by-laws are not inconsistent with the constitution and laws of the state.

The terms of all officers may be fixed by the by-laws; the said term, however, not to exceed three years. All officers hold over until their successors are duly elected and qualified.

The general welfare of the Society, not individual profit, is the object for which this charter is granted, and hence the members are not stockholders in the legal sense of the term, and no dividends or profits shall be divided among the members.

The members may at any time voluntarily dissolve the corporation by a conveyance of its assets and property to any other corporation holding a charter from the state for purposes not for individual profit, first providing for corporate debts. A violation of any provisions of this charter shall subject the corporation to dissolution at the instance of the state. This charter is subject to modification or amendment, and in case said modification or amendment is not accepted, the corporate business is to cease, and the assets and property, after the payment of debts, are to be conveyed, as aforesaid, to some other corporation holding a charter for purposes not connected with individual profit.

Acquiescence in any modification thus declared shall be determined in a meeting of the members specially called for that purpose, and only those voting in favor of the modification shall thereafter compose the corporation.

The means, assets, incomes or other property of the corporation shall not be employed, directly or indirectly, for any other purpose whatever than to accomplish the legitimate objects of its creation, and by no implication shall it possess the power to issue notes or currency, deal in currency, notes, or loan, buy or sell products, or engage in any kind of tradings, nor hold any more real estate than is necessary for its legitimate purposes.

Expulsion shall be the only remedy for the non-payment of dues by the members, and there shall be no individual liability against the members for creating debts, but the entire corporate property shall be liable for the claims of creditors.

We, the undersigned, apply to the State of Tennessee, by virtue

of the laws of the land, for a charter of incorporation for the purpose and with the power, etc., declared in the foregoing instrument.

Witness our hands, the 8th day of May, 1875.

J. G. M. RAMSEY,
ANSON NELSON,
J. B. LINDSLEY,
J. H. CURREY,
G. P. THRUSTON.

BY-LAWS.

ARTICLE I.

Title, Location and Purposes.

1. The official title of this organization shall be "The Tennessee Historical Society."

2. Its location shall be in the city of Nashville; but auxiliary societies may be established at such other points in the state as this Society may designate.

3. The purposes of the Tennessee Historical Society are to discover, procure and preserve such facts and articles as relate, directly or collaterally, to the natural, aboriginal, civil, political, military, literary and ecclesiastical history of the state.

ARTICLE II.

Membership.

1. The membership of the Society shall consist of active, corresponding and honorary members; but only active members shall be eligible to office or be permitted to participate in the transaction of its business.

2. Any white person, eighteen years of age, who is a resident of the state of Tennessee, shall be eligible to active membership, under conditions hereafter prescribed in these by-laws.

3. Any white person, eighteen years of age, who is a resident of the state of Tennessee, outside of Davidson county, shall be eligible to corresponding membership, under conditions hereafter prescribed in these by-laws.

in the form of the first three volumes of the *Journal of the American Medical Association* (1910-1912) and the *Journal of the American Dental Association* (1913-1915). The fourth volume, the *Journal of the American Veterinary Association*, was published in 1916.

1. *Journal of the American Medical Association*, 1910-1912.
2. *Journal of the American Dental Association*, 1913-1915.
3. *Journal of the American Veterinary Association*, 1916.
4. *Journal of the American Pharmaceutical Association*, 1917.
5. *Journal of the American Association of Nurses*, 1918.

THE LITERATURE

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3. The *Journal of the American Pharmaceutical Association* (1917) is the fourth volume of the *Journal of the American Association of Nurses* (1918).
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4. A proposition for active or corresponding membership shall be in writing, signed by the applicant, endorsed by two active members and accompanied by the prescribed fee. It must be presented at a regular meeting, noted on the records and referred to the committee on membership. Upon the submission of the report of the committee, at the next regular meeting, or at the option of the Society in the absence of such report, a ballot shall be taken upon the proposition; and if not more than three unfavorable votes be cast, the applicant shall be declared elected—provided that, if there be no objection, the ballot may be dispensed with and the applicant be elected by consent; and provided further that, by unanimous consent, a proposition for membership may be voted on at the meeting at which it is presented.

5. The Society, at any regular meeting, may elect to honorary membership, by unanimous vote of the members present, such persons, non-residents of Davidson county, as may be considered, by reason of eminent attainments in historical work, worthy of such distinction.

ARTICLE III.

Officers.

1. The officers of this Society shall be a President, a First Vice President, a Second Vice President, a Third Vice President, a Secretary, a Corresponding Secretary and a Treasurer. They shall be elected at the regular meeting in May of each year, a majority of all the votes cast being necessary for a choice, and shall hold their respective offices for one year and until their successors shall have been chosen.

2. Vacancies in office shall be filled by election, in the manner of the original election, at the next regular meeting after such vacancy shall have occurred, or at a special meeting called for that purpose.

3. All officers of the Society shall serve without compensation; but the Secretary, the Corresponding Secretary and the Treasurer shall be exempt from the payment of annual dues.

4. The President shall preside at all meetings of the Society at which he is present, maintain proper decorum, decide all questions of order (subject to appeal to the Society), appoint all committees except as otherwise provided in these by-laws, and sign all documents requiring official certification.

5. In the absence or disability of the President, the Vice Presidents, in the order of their seniority, shall perform his functions.

6. The Secretary shall have custody of the charter, seal and records of the Society, keep a complete and accurate record of its transactions, attest all documents requiring official certification, notify all new members of their election, and perform such other duties pertinent to his office as may be devolved upon him by action of the Society.

7. The Corresponding Secretary shall conduct the general correspondence of the Society, keep a copy of all official letters written by him, and deposit with the Librarian all official communications received.

8. The Treasurer shall collect and have custody of all moneys due and belonging to the Society, and disburse the same under the orders thereof. He shall keep an accurate account of his receipts and disbursements, and submit an itemized report thereof at the regular meeting in May, and at such other times as the Society may direct. During the first week of March in each year, he shall mail to each active member, whose dues for the current year have not been paid, a notice of his indebtedness, calling his attention to the provisions of the by-laws in regard to arrearages. He shall give bond, in such sum and with such sureties as the committee on finance may direct and approve, for the faithful discharge of his duties.

ARTICLE IV.

Committees.

1. Within one week after his election, the President shall appoint the following standing committees, and cause the Secretary to notify the appointees: a committee on membership, a committee on finance, a committee on addresses, a committee on history and biography and a committee on museum. These committees shall each consist of three active members, and their term of service shall be contemporaneous with that of the President by whom they were appointed.

2. The committee on membership shall examine into the eligibility and fitness of applicants for membership, and report thereon in writing at the next regular meeting, or as soon as practicable thereafter.

3. The committee on finance shall examine and report upon all bills against the Society, consider and pass upon the sufficiency of all bonds required to be given, audit the books and accounts of the Treasurer, and direct the investment of such funds as the Society may set aside for that purpose.

4. The committee on addresses shall make arrangements for the delivery by suitable persons, at meetings of the Society, of addresses and papers on subjects of historical interest. It shall be the duty of the chairman of this committee to communicate to the Secretary, at least one week in advance, all necessary information with regard to an address or other paper to be delivered before the Society.

5. It shall be the duty of the committee on history and biography to procure the preparation, by competent persons, of histories of counties, towns and localities of interest in Tennessee, and other matters of historical value, as well as biographical sketches of Tennessee families and individuals, for preservation in the archives of the Society and future publication.

6. It shall be the duty of the committee on museum to endeavor to secure for the Society articles and curios of value and interest, and to supervise their arrangement and classification.

7. The executive committee, which shall consist of the officers of the Society *ex officio*, and of which four shall constitute a quorum for the transaction of business, shall have general supervision of the affairs of the Society and the conservation and promotion of its interests. This committee shall appoint a Librarian, and may remove him for cause, and shall pass upon the regulations made by him for the government of his department.

8. The President, the Secretary and the Librarian shall constitute, *ex officio*, a committee to have charge and supervision of the rooms of the Society; and none of said rooms shall be used for any purpose whatsoever, except by the Society, without the written consent of all the members of said committee.

ARTICLE V.

Meetings.

1. The regular meetings of the Society shall be held on the second Tuesday of each month—except the months of July and August, when no regular meetings will be held—at such hour in the evening as may be designated by the Secretary in the notice to members; provided that, in case of emergency, the President and the Secretary may by agreement postpone the date of a regular meeting for not longer than one week. At each regular meeting, the appended order of business shall be observed, unless suspended by agreement:

- a* Calling the roll of officers.
- b* Reading the records of the preceding regular and any intervening special meetings.
- c* Report of committee on membership and ballot on application.
- d* Reports of standing and special committees.
- e* Reports of officers.
- f* Presentation and reference of applications for membership.
- g* Communications and bills.
- h* Address delivered or other paper read.
- i* Miscellaneous business.
- j* Adjournment.

2. The President may, and on the written request of five active members shall, call a special meeting of the Society; but no business shall be transacted at a special meeting except such as was specified in the call.

3. The Secretary shall give at least twenty-four hours' notice of all meetings, either by publication in one of the daily papers of Nashville or by mail to the address of each active member.

4. At all meetings of the Society, five active members shall constitute a quorum for the transaction of business.

ARTICLE VI.

Fees and Dues.

1. Each active member shall pay an admission fee of five dollars, and two dollars annual dues; but the payment of the admission fee shall be regarded as payment of dues for the current year.

2. Every active member, whose dues for the current year shall not have been paid on or before April 30, shall be dropped from the roster of membership at the succeeding regular meeting, at which time it shall be the duty of the Treasurer to submit a report embracing the names of all delinquents. A member thus dropped shall not be restored to membership until he shall have paid the entire amount of his arrearage, and in addition one year's dues in advance.

3. The "current year" of the Society shall be the period from May 1 to April 30 inclusive.

ARTICLE VII.

Library and Museum.

1. The Librarian, who shall be appointed by the executive committee, to serve during its pleasure, shall have charge of the books

and manuscripts of the Society, and be also curator of the museum. He shall be empowered to make regulations for the government of his department, subject to the approval of the executive committee. He shall receive such compensation for his services as the committee may allow.

2. Members of the Society shall have free access to the books and manuscripts at all times when the rooms are open. Persons not members may be permitted to inspect the books and manuscripts, under the supervision of the Librarian, when accompanied by an active member.

3. An active member may remove a book or manuscript from the Library, on signing a receipt and agreement to return such article within a reasonable time, to be fixed by the Librarian. In no other case shall any book, manuscript or other property of the Society be removed from the rooms or lent to any one, except by formal action of the Society, taken at a regular meeting.

ARTICLE VIII.

Amendments.

An amendment of these by-laws may be proposed in writing at a regular meeting, when it shall be entered in full on the records and ordered to lie on the table until the next regular meeting, at which time, unless its consideration be postponed until a subsequent meeting by a majority vote of all the members present, it shall be taken from the table for action. Whenever such amendment shall receive the affirmative votes of two-thirds of all the members present, it shall be declared adopted and become a constituent part of these by-laws. By unanimous consent of all the members present, an amendment may be considered at the meeting at which it is offered.

Adopted October 15, 1901.

HISTORICAL SOCIETY MANUSCRIPTS.

In transcribing for publication in this Annual the catalog of manuscripts owned by the Tennessee Historical Society, the undersigned has used his discretion in making many omissions. The gentleman who prepared the card catalog ordered by the Society, several years ago, followed the directions of the resolution adopted in that connection, and included all the Society's manuscripts, without regard to their comparative value or interest, many of them being mere business letters relative to the current transactions of the body, and possessing no especial importance of any kind. From the catalog printed below have been omitted all manuscripts which have no claim to be considered either historically valuable, interesting or curious. None which possesses such claim has been excluded.

The references affixed to each title are to the compartment of the manuscript section in which each may be found—thus, "1 A 1" indicates that the manuscript alluded to is in the compartment marked "1 A," and in the first division of that compartment.

R. L. C. WHITE, *Secretary*.

A

Abstract of rations and forage furnished by John Gordon to the militia of Mero district, 1795. 1 A 1.

Abstract of provisions issued at Fayetteville to the Tennessee volunteers under Gen. William Hall, 1813. 1 A 2.

Account book, merchant's, 1768-1770, containing names of many distinguished men of that day. 1 A 8.

Account of supplies sent to Duck River by Capt. John Gordon, 1804-5. 1 A 9.

Adams, A., to Hon. Oliver Wendell, thanking him for exchanging his money. 1 A 10.

Adams, John. Copy of speech, with manuscript criticism on back by William Blount, May 16, 1797. 2 B 155.

Adams, John Quincy. Land grant for 80.18 acres of land to Bolling Gordon, 1825. 1 A 11.

Address to the public in regard to the election of a representative.

Dated Nashborough, Feb. 27, 1783. 1 A 12.

Address to the inhabitants of Mansker's station, regarding the oath of fidelity to the government, March 5, 1783. 1 A 13.

Address to the legislature of Tennessee upon the resignation of Gov.

Sam Houston. No date or signature. 1 A 14.

Admission of Tennessee into the union. Paper read by Prof. Nathaniel Cross before the Society, April 2, 1850. 3 C 201.

Allen, Edward C. Commission as lieutenant in U. S. army, 1779, signed by John Jay. 1 A 18.

Allison, David, to Daniel Smith, Nov. 28, 1783. 1 A 20.

Allison, John. "Mero district"—paper read before the Society, 1894. 1 M 75.

Alston, Gid., to Col. John Branch, Feb. 26, 1816. Political. 1 A 23.

Anderson, Alexander. Commission to R. H. Hynds as quartermaster of Tennessee militia, 1825. 2 H 151.

Anderson, Henry. Plan of Bristol, Tenn., made by him in 1852. 1 A 29.

Anderson, John. Receipt from Gen. Daniel Smith for payment on subscription to stock of Nashville Bank, 1812. 1 A 27.

Anderson, Col. S. R. Order for court martial to try William Natches, at Camp Loureta, Mexico, 1846. 2 C 158.

Anderson, Capt. William. Provision return for his company of infantry, Mero district, May 1, 1795. 1 A 25.

Anderson, W. T., to Thomas Stewart, in regard to legal business, Dec. 30, 1798. 1 A 26.

Armory. Papers relating to the establishment of a national armory at the narrows of Harpeth river, 1823. 1 A 34.

Armstrong, John, to Gov. Willie Blount, in regard to calling out the militia, Feb. 10, 1814. 1 A 33.

Army of the Mississippi. General order No. 4, instructions to troops, March 14, 1862, signed by Gen. Beauregard. 1 B 92.

Army of the Mississippi. Address to the troops at Corinth, Sept. 3, 1862, by Gen. Albert Sidney Johnston. 1 J 101.

Army of Tennessee. Address on taking command, by Gen. Hardee, Dec. 2, 1863. 1 H 16.

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Baden, Henry. Grant of land in East Florida, 1766. 1 B 3.

Baine, Alexander, from David Ross, in regard to payment of money to Gen. Sevier, 1793. 2 R 150.

- Balch, Amos. Receipt to John Gordon for rations and forage for Davidson county militia, 1793. 1 B 8.
- Baptist Sunday school, sketch of the organization of the first, in Nashville, 1834. 1 B 10.
- Bar of Nashville in the eighteenth century. Paper by A. W. Putnam, 1859. 1 N 18.
- Bar of Tennessee. Paper read before the Society by Hon. Edmund Cooper. 2 C 145.
- Barbour, James. Letter of D. S. Donelson to, in regard to his position in the army, 1826. 2 D 75.
- Bardstown, Ky., to Washington, D. C. Diary of journey, 1805. Unsigned. 1 D 49.
- Barnard, E. E. Telegram to P. R. Calvert, Sept. 11, 1892, announcing discovery of a fifth satellite to Jupiter, 1 B 10½.
- Barry, Redmond, to John Donaldson, Dec. 16, 1796. Personal letter. 1 B 12.
- Barton, Samuel. Survey of 320 acres of land in Davidson county, N. C., for Alexander Greer, 1784. 1 B 16.
(Many other surveys of land by Samuel Barton, similar to the above, will be found cataloged under the names of the persons for whom the land was surveyed.)
- Barton, Samuel. Certificate that Reuben Nelson has qualified as surveyor for Davidson county, N. C., 1786. 1 B 75.
- Barton, Samuel. Bond of John Haggard and others to build a fort on his land, 1786. 2 B 183.
- Barton, Samuel. Letter from William Nash, asking for a sack of corn, Feb. 25, 1789. 1 N 4.
- Bascomb, Bishop H. B., to M. C. Johnson, 1842. Personal letter. 1 B 85.
- Basore to Daniel Smith, 1793. 1 B 85½.
- Battle, Lot. Grant of land in Wilson county, issued by Gov. Sevier, 1808. 1 W 70.
- Battle of the Alamance. Paper read before the Society by J. A. Cartwright, Jan. 4, 1881. 1 C 32.
- Battle of the Horse Shoe. Report of Gen. Jackson to Gov. Blount, 1814. 1 J 17½.
- Battle of the Horse Shoe. Description of the battle by John Donelson, Jr., 1814. 2 D 65.
- Battle of Shiloh. Paper read before the Society by T. M. Hurst, 1894. 2 H 147.

- Bean, Russell. Agreement entered into with James King, Sept. 5, 1798. 1 B 89.
- Bean, Russell. Agreement entered into with James King with regard to an adventure to Natchez, June 19, 1798. 1 K 17.
- Beard, David. Certificate from Gen. Jackson concerning Beard's military service, 1812. 1 B 90.
- Beard, Samuel. Honorable discharge from the army, 1814. 1 B 91.
- Beauregard, Gen. P. G. T. General order No. 4, March 14, 1862. Instructions to troops. 1 B 92.
- Beavers, Thomas. Agreement with W. T. Lewis as to blacksmithing, 1796. 1 B 94.
- Bedford, J. R., to William Bedford, 1815, stating that "peace has destroyed all his speculations in cotton." 1 B 94½.
- Bell, George, vs. Joseph and David Hamilton. Appeal from verdict in Robertson county court, 1798. 1 B 95.
- Bell, John, to James McCollum, making correction as to his position on the Missouri compromise bill, 1854. 1 B 97.
- Benezet, Daniel. Fi. fa. signed by him, March 4, 1764. 1 B 105.
- Bennett, Capt. R. A. Return of Co. F, camp near Tampico, Mexico, 1847. 1 B 103.
- Bennett, Capt. R. A. List of killed and wounded in Mexican war. 1 B 104.
- Benton county. Sketch of the county, its early settlers, etc. 1 B 106.
- Benton, Thomas H. Circular letter to the public in regard to the affray with Gen. Jackson, 1813. 1 B 107.
- Benton, Thomas H. Circular letter known as the "coffin hand bill." 1 J 31.
- Biddle, A., to Andrew Hynes, with regard to the establishment of a branch bank at Nashville, 1827. 1 B 112.
- Bill of lading of merchandise shipped by Edward Rutson & Co., Liverpool, Jan. 20, 1806, to Samuel Stones, Philadelphia. 1 B 113.
- Bill for the hire of furniture, 1777. 1 F 41.
- Black & Co., William, account against Daniel Smith, 1802. 1 S 81.
- Black Fox, Cherokee chief, to Gov. Sevier, Aug. 27, 1807, concerning the killing of some men and stock. 1 B 116.
- Black Fox, Cherokee chief, to Gov. Sevier, 1808, relating to trouble between the whites and the Indians, blaming the Creeks. 1 B 117.
- Black, S. P., rector of Murfreesboro academy. Certificate of good character to James K. Polk, Oct. 5, 1815. 1 B 118.

- Blackamore, George, to William Donelson, deed to 18 acres of land in Davidson county, July 4, 1806. 1 B 122.
- Blackmore, W. M., Captain Co. I, First Tennessee. Return for January, 1847, camp near Tampico, Mexico. 2 B 125.
- Blackmore, W. M., Captain Co. I, First Tennessee. Return for February, 1847, camp near Tampico, Mexico. 2 B 126.
- Blair, Hugh. Survey of 200 acres of land transferred by him to F. A. Ramsey, Washington county, N. C., 1779. 2 B 127.
- Blount, William, to Gen. Smith, Sept. 6, 1790, enclosing a letter from the secretary of state of the United States, with commission for Gen. Smith as secretary of the Territory south of the Ohio river. 2 B 129½.
- Blount, William. Journal of the proceedings in and over the Territory of the United States south of the river Ohio, in his executive department, from October 22, 1790, to February 6, 1796. 2 B 130.
- Blount, Gov. William. Commission to John Donelson as justice of the peace for Davidson county, in the Territory south of the river Ohio, December 15, 1790. 2 B 131.
- Blount, Gov. William. Commission to Archibald Mahan as ensign of the regiment of militia in Tennessee county, in the Territory south of the river Ohio, September 15, 1791. 2 B 132.
- Blount, William, personal letter to Daniel Smith, September 23, 1791. 2 B 133.
- Blount, William, to Gen. Smith, January 6, 1792, in regard to war with the Cherokee Indians. 2 B 134.
- Blount, William, to Gen. Daniel Smith, May 16, 1792, relating to a "treatise" with the Cherokee and Chickasaw Indians. 2 B 135.
- Blount, William. Blank commission to be issued to officers in the cavalry, 1792. 2 B 136.
- Blount, William, to Gen. Smith, June 9, 1793, in regard to elections 2 B 137.
- Blount William, to Gen. Smith, June 16, 1793, in regard to protecting the frontiers of the Cumberland settlements. 2 B 138.
- Blount, William, to Gen. Smith, June 17, 1793, in regard to the Indian war. 2 B 139.
- Blount, William. An ordinance authorizing the election of representatives in the general assembly of the Territory south of the river Ohio, October 19, 1793. 2 B 140.

- Blount, William, to Gen. Daniel Smith, November 29, 1793, giving current news. 2 B 141.
- Blount, William. Proclamation appointing the fourth Monday of February, 1794, for the meeting of the legislature of and for the Territory south of the river Ohio. 2 B 142.
- Blount, William, to Gen. Smith, January 19, 1794, in regard to his son. 2 B 143.
- Blount, William, to Gen. Smith, January 19, 1794, giving his reasons for calling an early session of the legislature. 2 B 144.
- Blount, Gov. William. Message March 1, 1794, proroguing the legislature of the Territory south of the river Ohio until the fourth Monday in August. 2 B 145.
- Blount, Gov. William. Official journal from September 20, 1793, to March 1, 1794. 2 B 146.
- Blount, William, to Gen. Smith, April 3, 1794. Personal and political letter. 2 B 147.
- Blount, Gov. William. Commission of John Davis as lieutenant of infantry in the militia of Davidson county, June 22, 1794. 2 B 148.
- Blount, William, to Gen. Smith, February 2, 1795, in regard to appointing tax collectors. 2 B 149.
- Blount, Gov. William, to Gen. Smith, February 25, 1795. Personal and political letter. 2 B 150.
- Blount, Gov. William, to Gen. Smith, April 27, 1795, requesting him to make a map of Mero district. 2 B 151.
- Blount, William, to Gen. Smith, May 13, 1795, in regard to sale of negroes. 2 B 152.
- Blount, William, to Gen. Smith, August 24, 1795, congratulating the people of Mero district on the interval of peace. 2 B 153.
- Blount, William, to Samuel Jackson, Philadelphia. Deed to lands in Middle Tennessee, February 17, 1797. 2 B 154.
- Blount, William. Letter to a friend, May 16, 1797, written on the back of a printed copy of a speech of President John Adams, criticising it. 2 B 145.
- Blount, William. Personal letter to Mayor Grant of Knoxville, written from Philadelphia, May 27, 1797. 2 B 156.
- Blount, William, to John Sevier, in regard to certain appointments, February 18, 1798. 2 B 157.
- Blount, William, to Gov. Sevier, suggesting the appointment of Andrew Jackson as judge, July 6, 1798. 2 B 158.

- Blount, Gov. William, journal of. Letter of Edmund Randolph, transmitting the journal to Thomas Jefferson, secretary of state of the United States, to be presented to congress, March 1, 1794. 1 R 83 $\frac{1}{2}$.
- Blount, Gov. William. Letter from Thomas Jefferson, secretary of state of the United States, to, in regard to Gov. Blount's journal. 1 J 83 $\frac{1}{2}$.
- Blount, William, vindication of, in reference to his expulsion from the United States senate, by Dr. J. G. M. Ramsey, 1876. 1 R 37.
- Blount, Willie, to Gov. Sevier, August 13, 1798, recommending Andrew Jackson for judge and Gen. Smith for the senate. 2 B 159.
- Blount, Willie, to Gov. Roane, September 12, 1803, in regard to examination of papers in certain offices. 2 B 160.
- Blount, Gov. Willie. Commission to Thomas Brown as major in Tennessee militia, May 28, 1812. 2 B 161.
- Blount, Gov. Willie. Commission to William Hall as brigadier general of Tennessee militia, June 19, 1812.
- Blount, Gov. Willie. Commission to Miller Francis as sheriff of Rhea county, August 10, 1812. 2 B 163.
- Blount, Gov. Willie, to Gen. Hall, December 17, 1813, relative to the term of service of the militia called out by the president. 2 B 164.
- Blount, Gov. Willie, to Hon. John Armstrong, secretary of war, December 10, 1813, in regard to calling out the militia in the Creek war. 2 B 165.
- Blount, Gov. Willie. Letter relative to the discharge of the Tennessee volunteers, December 15, 1813. 2 B 166.
- Blount, Gov. Willie, to Gen. Jackson, relative to condition of troops, December 22, 1813. 2 B 167.
- Blount, Gov. Willie, to secretary of war, December 24, 1813, relative to condition of Tennessee troops. 2 B 168.
- Blount, Gov. Willie, to Gen. William Hall, December 25, 1813, advising him not to discharge Tennessee troops until ordered by the president to do so. 2 B 169.
- Blount, Gov. Willie. Letter with regard to discharging troops, December 25, 1813. 2 B 170.
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- Blount, Gov. Willie, to Gen. Hall, March 29, 1814, relative to discharge of Tennessee troops. 2 B 172.
- Blount, Gov. Willie, to Gen. Hall, May 8, 1814, relative to discharge of Tennessee troops, including a letter from the secretary of war on the same subject. 2 B 173.
- Blount, Gov. Willie, to Col. Robert Hays, muster master, May 20, 1814, ordering him to muster out the troops. 2 B 174.
- Blount, Gov. Willie. Message to the legislature, September 19, 1815, transmitting resolutions of the legislature of Mississippi complimentary to Gen. Jackson and his troops. 2 B 175
- Blount, Gov. Willie, to John Hillsman, January 3, 1822. Letter discussing religion and politics. 2 B 175½.
- Blount, Gov. Willie, to John Hillsman, January 5, 1822. Same subject. 2 B 176.
- Blount, Gov. Willie, to John Hillsman, January 6, 1822. Same subject. 2 B 176½.
- Blount, Gov. Willie, to John Hillsman, January 10, 1822. Same subject. 2 B 177.
- Blount, Gov. Willie, to John Hillsman, January 10, 1822, discussing man's duty to his country and himself. 2 B 178.
- Blount, Gov. Willie, to John Hillsman, March 27, 1822, discussing religious matters. 2 B 179.
- Blount, Gov. Willie, to John Hillsman, May 5, 1822. Same subject. 2 B 180.
- Blount, Gov. Willie. Commission to Capt. William Moore, 39th regiment Tennessee volunteers, September 3, 1811. 1 M 93.
- Blount, Willie. Sketch of his life, by A. W. Putnam, 1850. 2 P 110.
- Blount, Willie. Account of obsequies at Clarksville, by Dr. J. G. M. Ramsey. 1 R 7.
- Board of survey to examine certain commissary stores, at Lamita, Mexico, 1846, report of, July 6, 1846. 2 B 131.
- Bond of John Brown and others, June 21, 1736, to secure the building of a fort on the land of Samuel Barton. 2 B 183.
- Bond of Andrew Ewing as clerk of Davidson county, N. C., 1784. 1 E 25.
- Bond of Squire Grant as deputy surveyor of Davidson county, 1785. 2 G 71.
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- Bond of John Donelson as surveyor of Davidson county, 1795. 2 D 63.
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- Bond to George Mayfield, to pay him \$100 per month for his services as spy in the Creek war, 1836. Signed by Robert Armstrong and twelve others. 1 M 58.
- Boone, Daniel. Memoir of, by A. W. Putnam, 1861. 2 P 124.
- Bradford, Henry, to Gen. Daniel Smith, Sept. 7, 1791, in regard to a land transaction. 2 B 200.
- Bragg, Gen. Braxton. General order No. 6, Tullahoma, Feb. 14, 1863, in regard to officers in general hospitals. 2 B 206.
- Bragg, Gen. Braxton, reminiscences of, by S. H. Stout. 2 S 155.
- Branch, John, secretary of the navy, 1830. Letters to, from various persons, catalogued under names of writers.
- Branch, L. O'B., to Martin Van Buren. Personal letter, 1850. 2 B 208.
- Brant, the Indian chief. Discussed in paper by G. M. Radford. 1 R 1½.
- Brazelton, Gen. William, to Gov. A. V. Brown, June 3, 1845, with regard to movement of troops from Knoxville to Memphis. 2 B 209.
- Breast, James R. Petition to Gen. Grant, Jan. 15, 1864, asking that his hardware store be exempted from seizure. Many signatures of Nashville citizens. 2 B 210.
- Breathett, John, governor of Kentucky. Grant of land in Robertson county, Tenn., Nov. 20, 1833, to Eli Orendorff. 1 O 9.
- Bright, John M., to Anson Nelson, Dec. 8, 1850, announcing himself a candidate for the U. S. senate. 2 B 215.
- Bright, John M., address on the life and public services of Felix Grundy, 1859. 2 G 90.
- Bristol, Tenn., plan of, made by Henry Anderson, 1852. 1 A 29.
- Brooks, Eben, Jan. 22, 1794, announcing that he "will soon have out a work on short-hand writing." 2 B 216.
- Brooks, W. M., governor of Alabama. Telegram, Jan. 11, 1861, to the governor of Tennessee, announcing the secession of Alabama. 2 B 217.
- Brown, Aaron V. Political letter to S. H. Laughlin, Dec. 8, 1843. 2 B 224.
- Brown, Aaron V., governor. Appointment of R. B. Turner to in-

- spect and muster into the service the Tennessee troops en route for Mexico, June 5, 1846. 2 B 225.
- Brown, Preserve. Bill against Richard Renshaw, Philadelphia, June, 1749, for £20 15s. 2 B 220.
- Brown, Rev. Joseph, Pulaski, March 30, 1858. Narrative—"How the judgment of heaven fell on the Indians who wounded him him in 1794." 2 B 221.
- Brown, Samuel, to Dr. A. McCall, 1823, on the subject of medicine. 2 B 222.
- Brown, John. Right to sell his patent vertical spinner, 1827. 2 B 223.
- Brownlow, W. G., to John Bell. Political letter, Nov. 8, 1849. 2 B 233.
- Brownlow, W. G., to J. R. Henry, April 22, 1867, in regard to state finances. 2 B 234.
- Bruce, David and John. Receipt for blacksmith tools from Daniel Smith, 1813. 2 B 235.
- Bryant, James, sketch of his life, by James Odell. 2 B 236.
- Buchanan, John. Arithmetic belonging to, 1781. On the fly leaves is a brief sketch of Major Buchanan, by one of his descendants. 2 B 238.
- Buchanan, John, certificate to Elijah Routh, July 8, 1789. 2 R 155.
- Buchanan, Lieut. G. W., preferring charges against Elihu Northcut, Co. D, 1st Tennessee, Nov. 20, 1846. 2 B 240.
- Burns, Michael, court martial to try, camp near Tampico, Mexico, Feb. 8, 1847. 2 C 179.
- Burr, Aaron, to Gen. Jackson, asking him to take charge of his carriage, horses and driver during his "absence on a trip south." No date. 2 B 241.
- Burr, Aaron. Papers relating to his arrest. 2 B 242.
- Butler, B. F., to R. I. Chester, July 7, 1832. Political letter, 2 B 245.
- Butler, B. F., to Felix Robertson and others, Aug. 5, 1844, in reply to an invitation to a democratic mass meeting at Nashville. 2 B 246.
- Byrn, Charles. Discussion of the question of Tecumseh's presence at the attack on Buchanan's station. 1 W 16.

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- Caffery, Nathan, transferring his pay to Samuel Barton, for services in assisting families through the wilderness to the Cumberland settlements, 1780. 1 C 1.

- Cage, William. Bond as surveyor of Sumner county, 1799. 1 D 59.
- Cage, William, to Gen. Daniel Smith, May 22, 1793, asking to have his son appointed sheriff. 2 C 2.
- Calhoun, John C., to J. G. M. Ramsey, asking the publication of his speech on the Oregon question in the leading papers of East Tennessee, Feb. 29, 1843. 1 C 3.
- Calloway, John, survey by Samuel Barton for, 1784. 1 B 27.
- Calloway, John, survey by Samuel Barton for, 1785. 1 B 70.
- Campbell, George W. Circular letter to Tennesseans, Aug. 16, 1813, on the impressment of seamen by Great Britain. 1 C 6.
- Campbell, James. Sketch of the battle of King's mountain, found among his papers after his death. 1 C 7.
- Campbell, John, assignee of Joseph Brantwell. Plea for collection of £40 from John Chambers, Philadelphia, 1736. 1 C 4.
- Campbell, John, and Isaac Mayfield, agreement between, for mutual security against the Indians, Mero district, Oct. 29, 1792. 1 M 57.
- Campbell, William, survey by Samuel Barton for, 1784. 1 B 42.
- Campbell, William, Isaac Shelby and Benjamin Cleveland. Statement of the proceedings of the western army, from Sept. 25, 1780, to the reduction of Major Ferguson and the army under his command. 2 S 127.
- Campbell, William. Letter from Isaac Shelby to John Sevier, Feb. 20, 1814, with regard to misrepresentations of Col. Campbell's part in the battle of King's mountain. 1 S 57.
- Campbell, William. Documents found in old scrap book, relative to his conduct at the battle of King's mountain. 1 S 60.
- Campbell, Col. W. B. Appointment of Lieut. Adolphus Heiman as adjutant of the 1st Tennessee, June 4, 1847. 1 H 59.
- Campbell, Col. W. B. Appointing board of survey of commissary stores, and report of board, July 6, 1846. 1 C 8.
- Campbell, Col. W. B. Convening a council of administration, camp near Loureta, Mexico, Aug. 8, 1846. 1 C 9.
- Campbell, Col. W. B. Muster roll of 1st Tennessee, and return for August, 1846, camp near Camargo, Mexico. 3 M 154.
- Campbell, Col. W. B. Muster roll of 1st Tennessee, and return for September, 1846. 3 M 199.
- Campbell, Col. W. B. Muster roll of 1st Tennessee, and return for September 14, 1846. 3 M 160.
- Campbell, Col. W. B. Muster roll of 1st Tennessee. Engagements of Sept. 21, 22 and 23, 1846. Officers accounted for. 3 M 158.

- Campbell, Col. W. B. Muster roll of 1st Tennessee, and return for November, 1846. 3 M 161.
- Campbell, Col. W. B. Order No. 23, to prepare for marching orders, from Gen. Quitman, Camp Allen, near Monterey, Mexico, 1846. 1 Q 10.
- Campbell, Col. W. B. Muster roll of 1st Tennessee, and return for March, 1847, camp near Vera Cruz, Mexico. 3 M 166.
- Cannon, L. G., to Jona. Williams, 1784. Business letter. 1 C 12.
- Cameron, Simon, secretary of war, calling on Gov. Harris for two regiments of militia for immediate use, April 15, 1861. 1 C 11.
- Cameron, Simon, secretary of war, Gov. Harris to. Reply to call for two regiments of militia, April 17, 1861. 1 H 24½.
- Cannon, Gov. Newton, to Gen. John E. Wool, in regard to Tennessee volunteers, July 9, 1836. 1 C 13.
- Cannon, Gov. Newton, message to legislature, 1836. 1 C 14.
- Cantrell, Capt. Stephen, muster roll of his company, 1796. 3 M 142.
- Carrethers, Ezekiel, rations and forage drawn, from Oct. 9 to Nov. 9, 1795. 1 C 15.
- Carmack, Aquilla, survey by Samuel Barton for, 1785. 1 B 69.
- Carroll, Gov. William, to Col. William Moore, notifying him of his appointment as one of the Tennessee commissioners for the improvement of Muscle shoals, Sept. 5, 1826. 1 C 20.
- Carroll, Gov. William, to Gen. William Hall, suggesting his name for speaker of the senate, Sept. 6, 1827. 1 C 21.
- Carroll, Gov. William, to Col. William Moore, announcing his candidacy for governor, April 2, 1835. 1 C 22.
- Carter, Daniel, survey by Samuel Barton for, 1784. 1 B 30.
- Carter, Jesse, to Thomas Stewart, Oct. 11, 1798, on personal matters. 1 C 26.
- Carter, Landon, bond of John Sevier to, for "200,000 silver dollars," Aug. 1, 1792. Land transaction. 1 S 20.
- Cartwright, J. A. Paper read before the Society, Jan. 4, 1881, on the battle of the Alamance. 1 C 32.
- Cartwright, Jacob. Power of attorney to J. M. Deaderick, 1794. 1 P 86.
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- Davis, Jefferson, to Mrs. E. C. Grigsby, personal letter to, June 15, 1878. 1 D 28.
- Davis, Lieut. John, names of soldiers under his command receiving rations and forage, 1795. 1 D 20.
- Davis, Lieut. John. Commission in militia of Davidson county, June 22, 1794. 2 B 148.
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- Donelson, John, Sr. Commission as justice of the peace for Davidson county, 1790, signed by Gov. Blount. 2 B 131.
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- Ewing, Andrew, bond as clerk of Davidson county, 1784. 1 E 25.
- Ewing, Andrew, county court clerk, order to county surveyor relative to laying off lots and streets in the town of Nashville, 1789. 1 E 28.
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- Farrell, Dennis. "Grand inquest of our Lord the King," accusing him of keeping a "tippling house" without license, "the 17th year of King George." 1 F 7.
- Farrell, Patrick, to answer Ignatius Nihill in an action to his damage, \$500. Philadelphia county court of common pleas, 1747. 1 F 8.
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- Forrest, Gen. N. B., order issued to Col. Holman, Aug. 28, 1863. 1 F 21.
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- Foster, Anthony, bond as deputy surveyor of Davidson county, May 25, 1790. 1 F 24.
- Foster, R. C., to William Hall, Aug. 11, 1827, urging him to announce himself a candidate for speaker of the senate. 1 F 25.
- Foster, Stephen, paper on the battle of King's mountain, read before the Society. 1 F 27.
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- Frankland, state of, minutes of the society, in regard to payment of money to Mrs. Francis Scott, Sept. 23, 1788. 1 F 29¾a.

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- Gaines, Edmund P. Notes of a survey from the head of the Muscle shoals on the Tennessee river to the Gir port on the Tombigby, and down that river to Oaknosaby creek, 1808. 1 G 2.
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Zollicoffer, Gen. F. K., to Gov. Harris, Aug. 2, 1861, relative to the condition of affairs in Kentucky and Tennessee. 1 Z 2.

THE LIBRARY AND MUSEUM.

It has been found impracticable to prepare for this issue of the Annual full catalogs of the books and curios belonging to the Society. This will be done hereafter. Meanwhile, some of the more interesting items may briefly be mentioned. Among the rare books in the library are the following:

A photographic copy of the original manuscript of the Codex Vaticanus, now in the library of the Vatican, at Rome. Only one hundred copies were made, this being No. 99.

A photographic copy of the original manuscript of the comedy of "Phormio," by Terence, B. C. 185, now in the library of the Vatican, at Rome.

Cicero's "Cato Major," printed by Benjamin Franklin, Philadelphia, 1744.

Haywood's "Aboriginal History of Tennessee," 1818. Very rare.

Haywood's "The Christian Advocate," 1819. Only four copies of this book are known to be in existence.

Hawkes's History of North Carolina, and Revolutionary History.

The Knoxville Gazette. The first newspaper printed in what is now the state of Tennessee. Bound volume, 1791 to 1795, inclusive.

Complete set of the Nashville City Directory, from the beginning to date.

The appended list includes only a few of the articles in the museum:

A large collection of portraits of pioneers, soldiers, statesmen and other eminent Tennesseans. This collection includes all of the governors of Tennessee, with two exceptions.

Portrait of Napoleon I, from life. This portrait was presented to the late Judge John Catron by Marshal Bertrand, and was bequeathed to the society by Mrs. Jane Marshall.

Death mask of Napoleon I.

Egyptian mummy from Cairo, presented to the society by the late Col. Jeremiah George Harris, 1860.

Egyptian mummied cat, from Thebes.

Silk dress made and worn in 1745, being part of the trousseau of Mrs. Thomas Lynch, mother of Thomas Lynch, Jr., one of the signers of the declaration of independence.

Two horn cups used by Oliver Cromwell.

Two vests worn by Gen. Israel Putnam.

Commission of Gen. Putnam from the continental congress.

Daniel Boone's musket.

Field glass of Gen. John Sevier.

Sword presented to Gen. Sevier by the state of North Carolina, for gallant services at the battle of King's mountain.

Sword and sash of the British Gen. Ferguson, killed at the battle of King's mountain.

Sword worn by Gen. John Coffee at the battle of New Orleans.

Bronze helmet worn by a soldier at the battle of Waterloo.

One half of a mold used by Montgomery Bell in casting cannon balls for Gen. Jackson's troops at New Orleans.

Wine chest of the Mexican Gen. Santa Anna, captured at the battle of Buena Vista.

Spurs worn by the Emperor Maximilian.

Inkstand made from a piece of stone from the walls of the Alamo.

White beaver hat, made especially for President Andrew Jackson, and worn by him at his first inauguration.

Gen. Jackson's inkstand.

Check containing the last signature of Gen. Jackson, written two days before his death

Quill pen used by President Polk in signing his first message to Congress. Accompanying it is an interesting description of the pen, in Mr. Polk's own handwriting.

The last letter of President Andrew Johnson, unfinished. He was stricken with paralysis while writing it.

Compass used in laying off the first town lots sold in Nashville.

Key of the first jail built in Nashville.

Numerous coins, medals, Indian relics, etc.

HISTORY OF THE TENNESSEE HISTORICAL SOCIETY.

The first meeting of the Tennessee Historical Society in its new and elegant quarters in the Watkins Institute was held May 7, 1886. Many invited guests were present, in addition to a full attendance of the members. On this occasion Hon. John M. Lea, President of the Society, delivered the following address, containing a sketch of the Society's history. Subsequently he made a brief addition to the address, sketching the history of the Antiquarian Society.

This sketch brings up the history of the Society to the year 1886. Since that date there have been few changes in its organization. The venerable author of the sketch is still its honored President. Two years later the indefatigable and beloved Secretary, Mr. Anson Nelson, ceased his labors only with the close of his life. Mr. John M. Bass devoted twelve years assiduously to the duties of this office, and was succeeded in 1900 by the present Secretary, Dr. R. L. C. White.

JUDGE LEA'S ADDRESS.

I have been requested to give, this evening, a brief sketch of the origin, progress and present condition of the Tennessee Historical Society. In accordance with a call made through the public papers, a few citizens of Nashville met at the library rooms of the Merchants' Association on Tuesday evening, May 1, 1849, and organized a society having for its object, as the paper reads, "the collection and preservation of the facts relative to the natural, aboriginal and civil history of the state of Tennessee, and for such other purposes as may be hereafter deemed advisable." The call was signed by forty gentlemen, representing the various interests and professions—legal, medical, mercantile and mechanical—which have given dignity, stability and strength to civil society; an array of

names eminently respectable, all of whom, save seven—so transitory is life—having accomplished their work on earth, have long since taken “their places in the silent halls of death.” The great poet tells us that “the evil men do lives after them,” but it is equally true that the good which men do survives in the ages after their bodies have been consigned to the tomb. The task would be pleasing, though in some respects melancholy, to dwell upon the memories of those gentlemen whose names are yet fresh in the recollection of the people of Nashville, but time would fail me to sketch the incidents or record the many excellences and virtues of their lives. Let it be sufficient to say that, in that list of forty names, not one can be found upon which was ever breathed the slightest suspicion of dishonor. They were, in their day and generation, active workers in every movement which had for its object the advancement of the community, and the most rigid scrutiny into their public and private conduct could detect no greater flaws than those blemishes which are an inseparable part of human nature. Of such stern moral fiber were our predecessors of the historical society constructed, and of our paternity we have, indeed, just reason to be proud.

The officers elected at the first meeting were Nathaniel Cross, president; A. W. Putnam, vice president; W. A. Eichbaum, treasurer; John H. Eakin, corresponding secretary, and William F. Cooper, recording secretary. It is, perhaps, an act of justice to acknowledge that this organization was not the initial effort to establish a historical society in Tennessee. At least two such efforts were previously made, each of which maintained a short-lived existence.

In 1820, Judge John Haywood, so favorably known as the “Father of Tennessee History,” while engaged in collecting the material for his “Civil and Political History” and his “Natural and Aboriginal History,” organized, as an auxiliary to his labors, an association known as “The Tennessee Antiquarian Society.” The minute book of this society, a large record book, is still preserved in the archives of the Tennessee Historical Society. It contains the constitution and minutes of the Antiquarian Society, and many valuable historical contributions by its members and its correspondents.

The first recorded minutes show that there had been some previous informal meeting or conference. The following extract sets forth the purposes of the society and its preliminary organization :

"Saturday, July 1, 1820—The members of a proposed society for the collection and preservation of important events in the history of the state of Tennessee, and inquiries into the antiquities of the western country, etc., met at the courthouse in the town of Nashville, when John Haywood, Esq., was appointed chairman, and Wilkins Tannehill secretary.

"The business of the meeting was opened by an appropriate address from the chairman. Mr. Roane, from the committee, reported a system of rules and regulations for the government of said society, which being read, and various amendments being made thereto, was adopted as follows."

Then follows the constitution, which is signed by the following members : J. P. Erwin, Henry Crabb, W. Tannehill, Ira Ingram, Leonard R. Cheatham, R. E. W. Earl, Francis B. Fogg, J. Roan, Moses Speed, J. Haywood, William Hume, Samuel Houston, John W. Overton, William Carroll, Ferdinand Stith, Patrick H. Darby.

From time to time the names of other distinguished citizens appear as new members. Among these are Felix Grundy, Alfred Balch, Thomas Washington, Oliver B. Hays, James Overton, Moses Shears, Dr. Felix Robertson, Marcus B. Winchester.

Although the constitution provided that the society should hold monthly meetings, yet the records show that the meetings were held at irregular intervals. The last regular meeting was held July 27, 1822, at which the officers who had served from the beginning were re-elected for the next term. These officers were:

John Haywood, president; Rev. Wm. Hume, vice-president; F. B. Fogg, corresponding secretary; W. Tannehill, recording secretary; Henry Crabb, treasurer; R. E. W. Earl, librarian.

Only one subsequent meeting is recorded. This was a called meeting, August 24, 1822, of which the minutes are brief and unimportant. Thus, this pioneer association maintained its existence only a little more than two years. The work of col-

lecting material for the two historical works of Judge Haywood was now completed. The society had served a useful purpose as an auxiliary in the preparation of those invaluable books, which were published the following year. The importance of the assistance rendered to Judge Haywood by this society is attested by the minutes, and by the contributed articles, many of which are recorded in the minute book.

Among the honorary and contributing members were Moses Fisk and Orville T. Bradley of Tennessee, Samuel L. Mitchell of New York, Isaiah Thomas of Massachusetts and C. F. Rafinesque of Kentucky.

With regard to another historical organization which preceded the Tennessee Historical Society, I speak from memory; but if any old newspapers of that date are extant I am sure my statement will be verified, that so long ago as 1832 or 1833 a society was formed in Knoxville, of which the most active and leading members were our former president, the late Dr. J. G. M. Ramsey, *clarum et venerabile nomen*, whose portrait, adorning our walls, now smiles on these proceedings, and Dr. Stephen Foster, a professor in the institution then known as the East Tennessee College, my old preceptor, an accomplished scholar, whose early death was a great loss to the cause of education in Tennessee. An address, giving an account of the massacre by the Indians at Cavert's Station, situated about eight miles west of Knoxville, a short extract from which can be found in Ramsey's Annals, made an impression which has never been erased from my memory. How long that society lived I do not know, but it created a desire for historical research which has never died out and finds expression to-day in the existence of the East Tennessee Historical Society, a worthy co-worker with ourselves in this most interesting and inviting field of labor. Success in any enterprise requires repeated and continued efforts, and partial failures should never be reckoned as inseparable obstacles. Our own history illustrates the truth of the remark. For several years the meetings were well attended and with interest unabated, but the novelty soon wore off, and there occurs almost a hiatus in the proceedings between the years 1851 and 1856. A reorganization was effected on the 25th of February, 1857, and there was elected as president a most worthy and most estimable citizen, who

devoted much time and attention to the gathering of facts connected with the early settlement of the state, many of which he found leisure to embody in a most interesting volume. He was himself the descendant of a revolutionary hero, and his wife was a granddaughter of the gallant Sevier. It is needless to say that I refer to that excellent citizen and Christian gentleman, the late Col. A. W. Putnam. At the same time there was installed into the office of recording secretary a gentleman who, from that distant day to the present moment, has seldom failed to attend a meeting; whose zeal for the welfare of the society is unflagging; one to whom, for his service in this and other trusts and duties, this society and the public acknowledges their obligations, and whom, if he were not so well and too favorably known, I should have the pleasure of introducing to this audience by the name of Anson Nelson. He has been our *fidus Achates*. His memory contains a perfect and complete inventory of all our property, and almost every Indian relic or other curiosity has been by him classified and its history embalmed in a handwriting singularly striking and unique, but as legible and as easily read by an expert as the hieroglyphics on an Egyptian temple; and long may he live, so say we all, to record with his graceful pen the proceedings of a society which he loves so well.

Considerable progress was made during the next four years. Very many interesting manuscripts were filed away in the archives, which have never been permitted to see the light on account of our inability to make publications; and the additions to the museum department were numerous and valuable. Events in the political world were fast approaching which cast a mantle of darkness over the entire country, and after a prosperous career of four years our doors were again closed, the last meeting being held on the fourth day of September, 1860. The war soon raised its horrid front, and for awhile naught was heard but the clash of contending armies. Schools, colleges and churches were closed, and only pursuits were followed and only those virtues were cherished which are born of war and which give to war its only redeeming features—courage and fortitude. When the conflict ended and peace again spread her soft wings over our unhappy country, all energy was directed to the reparation of damage inflicted by the

war, and for a few years the condition of society became what may be described as stationary. The angel of death had visited every household, and for the first time since civilization had taken up its abode, there were seen poverty and want stalking through the land. Time was required to bring about the re-establishment of law and order, but as soon as the sunlight of freedom emerged from the clouds and the sovereignty of the people acknowledged, or, rather, allowed by the conquering power, one of the first institutions to assert its rights to continued existence was the Historical Society. Circular letters were sent by the secretary to its different members, requesting their presence at the capitol on a specified day, and a reorganization was effected, temporary at first, but soon made permanent by the election of Dr. J. G. M. Ramsey of Knoxville as president. I have recently read his letter in response to the circular to which I have referred, in which he says: "The day appointed happens to be the anniversary of my seventy-seventh birthday, and it would be a peculiar gratification to participate in the organization if it were possible for me to do so. I am in full sympathy with the objects in view and express a sanguine desire for its success." His official connection ceased only with his life, and, though from his extreme age and the remoteness of his home he could attend no meetings, a reference to our records will show that his contributions in manuscript, always valuable, were larger in amount and more frequently made than those received from any other member. His character commanded the respect and confidence of the people of the state, and certainly from that time forth this private association, without any special or particular exertions, by a potent but silent and unseen public sentiment, began to be recognized as one of the institutions of the state. The collection of books, relics and valuable articles of *virtu* growing so large and increasing so rapidly, the duty arose of seeing after their care and preservation, and on the eighth day of May, 1875, a charter was applied for and obtained under the laws of Tennessee, the corporate name being "The Tennessee Historical Society."

This institution, from its inception, has been maintained and supported by voluntary contributions. There are no salaried officers. Every member is a willing worker, and gives

his labor gratis. This corporation declares no dividends in money, but pays out with a liberal hand just measure of meed and praise to those who faithfully and truly love and serve their country. A deficiency of means has, however, been a drawback to its usefulness. Thousands upon thousands of money have been lost, squandered and purloined, but our little treasury has not been enriched by the receipt of one dollar from the state. Perhaps the indifference of the general assembly, made manifest on more than one occasion, taught that self-reliance which has not only enabled us to live, but to prosper, under adverse circumstances. Government is a factor, but only one, and perhaps not the greatest, factor in the improvement of society, and its beneficial agency is chiefly felt rather in the protection afforded than in any aid which it is capable of directly rendering. To a laboring man, the late Samuel Watkins, and not the state, are we indebted for this beautiful building, intended by him—and I hope the results will so prove—as a temple of art and science. To another public-spirited citizen, the late M. H. Howard, are the people of Nashville, and especially is this society, under deep and lasting obligations. The decorations in this room testify to his liberality, and, through his munificence, the commissioners of the Watkins Institute expect, within the next few months, to place on the shelves in the adjoining library room twelve or fifteen thousand volumes, to be provided as mental food for the people of Nashville. Neither of these men was educated, in the strict sense of the term, but the requirements were doubtless embraced within that larger meaning of the word, as defined by Milton: A course of thought and discipline which qualifies a man to discharge grandly and heroically all the duties of life, both public and private. I shall not say that the society, of which we are the representatives, had any agency or special influence in directing the minds of these benefactors toward such endowments, but I will say that every school, college, art association or any other society having for its object mental or moral improvement, generates a sentiment which sooner or later results in just such acts as those we are now commending, and, further, this feeling shows that there is in our nature a demand for something higher and better and nobler than the

accumulation of wealth, the gratification of pleasure or the pursuits of ambition.

The question here may well be asked, what motives induced these forty gentlemen, of whom I have spoken, all of whom were busily employed in their daily vocations, to give their time and attention to matters which could not contribute to their personal profit and involved only labor and trouble? The purpose certainly was not a mere diversion from more serious pursuits, nor a sense of restlessness which could find no other way of securing repose. The answer, perhaps, goes deeper into mystery than one so little skilled as I am in the science of the mind is capable of expressing; but be the solution what it may, whether self-love or altruism—to use a newly coined word—such conduct is creditable to human nature and gives to character one of its brightest ornaments. There surely must be in our mental and moral constitution an element, besides that which looks alone to individual aggrandizement or personal promotion, and it is this principle which inspires patriotism and serves as the incitement to every noble deed which has illumined the page of history. Rivalry and strife for military and political honors and the eager desire for self-advancement develop one side of our nature, but there is another and better side which finds its pleasure and its duty in promoting education, in patronizing the liberal arts, and in diffusing throughout the world the blessings of our Christian civilization. No man can hurt the spiritual part of his nature without hurting the community in which he lives, nor on the other hand can any man help or benefit himself without at the same time helping or benefiting his neighbor: and thus it is that, by a wise and beneficent dispensation of Providence, even the lowest forms of selfishness are unwittingly and, perhaps, unwillingly converted into the instruments for the promotion of the public good.

While no one will challenge the fact as to the utility of schools, colleges and churches, it may be said, of what special benefit is such an institution as that the anniversary which we are celebrating to-night? History is defined by Lord Bolingbroke, borrowing the idea from a Roman who lived about the time of the Christian era, as “philosophy teaching by example.” Activity and energy, though bur-

dened with illiteracy and ignorance, are not without their beneficial uses, but when knowledge is limited to the observation of a lifetime, views are narrowed and contracted. The future can only be guessed at or imagined even by the wisest, and it is only of the past that certainty can be predicated. Experience is a kind of power akin to wisdom, and, when it is supplemented by familiarity with the past judgment of men and things, is most apt to be correct. History is the only protractor of human life. Methuselah's years were but a span compared with the longevity of the student who, living in his books, may be said to have migrated with our Aryan ancestors from the Bactrian regions of Asia into the fertile fields of Europe; witness the conflicts of Greece and Rome, the birth of Christianity, the decadence of law, liberty, morals and religion during the dark ages, the renaissance in modern Europe, and, finally, the transplantation of every thing good gleaned from the experience of all the ages, across the waters to the hitherto unknown shores of the western hemisphere.

America, with its splendid inheritance and wealth of knowledge, now entered upon a career to which, the field being so vast and extensive, a brief reference can only be made; but it is a fact conceded that, for and during the last one hundred years, the influence of the Anglo-Saxon race in America upon the other peoples has been most marked and impressive. In the arts and sciences our inventions are unequaled, and every change for the better in any modern government has been an approximation to the example set by the fathers of the republic in the adoption of the constitution of the United States. Not without great expenditure of treasure and waste of blood did the United States acquire the right to assert herself as one of the great powers of the world. Would it not be treason against humanity if the pen of the historian should fail to record the acts and deeds of the patriots, soldiers and statesmen to whom so great a debt of gratitude is due? And yet, what use were the pen of the historian unless facts were preserved to be elaborated into history? Historical societies discharge this duty, and such is the reason for their establishment in every state of the union. Tennessee claims a grander record than any of her younger sisters, for, though not one of

the original thirteen, an account of the American revolution would be incomplete if mention were not made of the services rendered by her pioneers on more than one battlefield, and especially in that decisive victory won by Campbell, Sevier and Shelby on King's mountain, which virtually forced the surrender of Cornwallis at Yorktown and ended the war for independence. There is on the battlefield at Cowpens a monument, erected about six years ago, which bears upon its shaft inscriptions commemorative of services rendered by each one of the old thirteen. The distinguished committee, in arranging the ceremonies for the occasion, informed the governor of the state that justice required Tennessee should be honored with an inscription equally with any one of the older states. The general assembly not being in session, the governor referred the matter to this society, and not without trouble on our part was the necessary amount of money raised, afterwards refunded by the state, to carve on that shaft inscriptions and armorial bearings, which advertised to posterity in all time to come that Tennessee is an equal participant with the old thirteen in the achievement of American independence. Her subsequent history in the field, in the forum and in the cabinet is equally honorable. Her soldiers were the first to respond when the Indians made war upon the defenceless inhabitants of Alabama, and after peace was made these gallant men had scarcely reached their homes when the line of march was again taken up to repel a British invasion on the coast of the Gulf of Mexico. The name of Jackson and of New Orleans condenses more within a word than could be expressed in a volume of eulogy. A most fascinating interest, too, is attached to our local traditions. There is scarcely a county in Eastern or Middle Tennessee not made memorable by feats of daring, which, had they occurred in the twilight of history, would have been woven by the bards into heroic myths, and the hardy pioneer, unconscious of the romance with which his daily life was tinged, performed exploits that were worthy of the lays of a minstrel. Such are the deeds and such are the men of which and whom it is the object and purpose of the Tennessee Historical Society to preserve a grateful recollection.

PROFESSOR HERBERT BAXTER ADAMS.

BY B. J. RAMAGE.

In the death, last summer, of Professor Adams, at the early age of fifty-one, the cause of higher education sustained the loss of a good man, and historical investigation one of its most inspiring and suggestive guides. Endowed with broad sympathies and liberal attainments, he did a great work in popularizing original investigation in the field of American institutional history, and, as founder and head of the Department of History and Politics at the Johns Hopkins University (a position he held until declining health caused him to relinquish it about a year ago), Dr. Adams exerted a wide influence on the progress of university training in the United States. This he accomplished quite as much by his engaging manners as by any pre-eminent scholarship. A natural enthusiast, he imparted to others some of the devotion he manifested in regard to his own specialty, while the position he occupied brought him in contact with young men from all parts of America. These will always remember with grateful appreciation his generous interest, his ever-ready co-operation and friendship.

Few American teachers more clearly recognized the value of close personal relations with his students. In Dr. Adams the man overshadowed the professor. He did not hedge himself about with the artificial formalities which are far too frequently characteristic of those who direct the training of the young, but was perfectly free and unrestrained in his relations with those studying under him. These traits were due quite as much to education as to inheritance, for travel and association gave him a wide and varied acquaintance, to say nothing of the catholic, uplifting influences he received from the faithful study of the poets. But it is now time to say

something of his career, which, like that of most teachers, can be soon narrated.

Herbert Baxter Adams was born at Shutesbury, Massachusetts, April 16, 1850. He was the son of Nathaniel D. and Harriet Hastings Adams. While Adams was yet a lad, his parents removed from the home of his birth to Amherst, presumably for the purpose of enjoying the educational advantages of that seat of learning. From here the boy was sent to Phillips Academy, Exeter, where he was prepared for Amherst College. Entering that institution in 1868, young Adams graduated creditably four years later, and subsequently pursued his studies in Germany, chiefly at Heidelberg University, where he took his doctor's degree in 1876. In Germany he won the regard of Bluntschli, the famous publicist, and was afterwards instrumental in securing that scholar's library for the Johns Hopkins University. This foundation, having been organized in 1876, awarded Dr. Adams a fellowship, and he subsequently rose through various academic gradations to a full professorship. In 1891 the University of Alabama conferred upon him the degree of Doctor of Laws. Meanwhile he had for several years been lecturer in history at Smith College, Massachusetts, and to this experience, which lasted from 1878 to 1881, may be traced his active interest in the higher education of women. His connection with the Summer School at Chatauqua in like manner served to direct his attention more closely to the needs of popular education.

But Dr. Adams did not confine his work to the classroom. In Baltimore he was closely identified with many social and charitable organizations, representing such divergent types as the University Club and the Boys' Country School, while as secretary of the American Historical Association, and for many years the editor of its annual reports, he gained national reputation as an organizer and director of great undertakings. Dr. Adams was more of an editor than an author, and in addition to his labors in this capacity for the American Historical Association, he was for more than a dozen years editor of the series of publications issued by the national government under the title of "Contributions to American Educational History." His monumental editorial work, however, is represented by the score and more of volumes entitled, "Johns Hop-

kins Studies in Historical and Political Science." These began to appear in 1882, and are composed of a number of monographs, which were written mainly by the students of Dr. Adams who were members of his famous seminary of American history; and a few of them have been subsequently expanded into celebrated treatises like Wilson's "Congressional Government" and Shaw's "Municipal Government in Great Britain."

Dr. Adams' own output is not extensive. His chief works are "History in American Colleges and Universities," "The College of William and Mary," "Thomas Jefferson and the University of Virginia," "Maryland's Influence in Founding a National Commonwealth," and the "Life and Correspondence of Jared Sparks."

It is scarcely too much to say that the revival of interest in local history at the South is contemporaneous with the professorial career of Dr. Adams, and in this regard that section owes him a lasting debt of gratitude. He never failed to call attention to the importance of preserving ancient records and letters, whilst the tardy activity of more than one commonwealth south of the Potomac in such matters as manuscript commissions, as well as the growing number of books devoted to southern history, may be traced in no small measure to the influence of the gentle spirit that has so recently passed away. But the interest of Dr. Adams in American history was limited to no section of the country. North, South, East and West all received the impress of his alert initiative and intelligent leadership. But Dr. Adams will not live so much as editor and scholar as teacher and inspirer, and in this respect it must be said in concluding that his career directs renewed attention to one of the ironies of a career such as his. Many less worthy men leave behind them at least one or two volumes to perpetuate their memory; but to him who performs the often nobler task of inciting others to activity and helping them occasionally even to fame, there seldom comes any reward greater and more lasting than that of the affectionate regard of the disciple. After all, however, this is not without its compensation, for the reward comes to the living rather than to the dead. And in the case of Dr. Adams rarely did

so young an instructor retain so widespread and loyal an attachment from former students, and they in turn—"the boys," as he always loved to call them—even after years of separation, ever felt confident that in him they always had a steadfast friend and ally.

INDIAN TREATIES OF TENNESSEE.

BY HON. JOHN M. LEA.

[This paper was read before the Tennessee Historical Society, May 5, 1891, by its president, Hon. John M. Lea, and was accompanied by an illustrative map, drawn by Dr. W. R. Garrett. This map was presented to the historical society and is now on file in its archives. Judge Lea devoted to the preparation of this paper diligent and careful investigation and study, and, perhaps for the first time, collated the various Indian treaties, by which every foot of land in Tennessee was acquired from the Indians.]

Every intelligent person should strive to become acquainted with all the interesting facts connected with the state, or even in the neighborhood where he lives, and an ignorance of local history and geography betrays a listless indifference to surroundings which, if not blameable, is certainly not commendable. These facts may not possess any special interest to the nation at large, nor have any bearing upon great public questions, but they affect ourselves as individuals and as citizens, and are as precious, in our estimation, as the possession of a family bible or prayer book or other relic transmitted from sire to son through many generations.

The life of the state of Tennessee as a separate political organization scarcely numbers one hundred years, and yet in her history the singular phenomenon is presented of a people exercising all the functions of government, passing laws, administering justice—civil and criminal—and even levying war, without the supervision, but not without the acquiescence and approval, of the colonial authority to which allegiance was due. As early as 1772 the celebrated Articles of Association, or pioneer constitution, were promulgated, and by that act the Watauga settlement virtually became an autonomy distinct from the parent government, but neither rebellion nor dissatisfaction prompted to a step made necessary by force of circumstances.

We cannot say that Tennessee was one of the original thirteen during the revolutionary struggle, but her aid was most effective, and, on account of remoteness from the seat of war, her military operations were conducted by her own leaders, without obedience to orders from superior officers east of the mountains. The grand old state of Virginia received the appellation by which she is known from the fact that she refused to acknowledge the protectorate of Cromwell, and actually made a treaty with his government, in which she was styled the "Dominion of Virginia." Charles II, on the restoration of the monarchy, caused a medal to be struck in recognition of her loyalty, and quartering her arms with those of England, Scotland and Ireland, with the motto, "*En Virginia dabit quartum*"—and lo! Virginia gives the fourth. A like honor, and one not undeserved, has been accorded to Tennessee, not for her loyalty to the crown, but for her devotion to liberty. When the old thirteen erected, as a memorial of their joint trials and sufferings, a monument at the Cowpens, on which was an emblazonry of the arms of each state, Tennessee, in recognition of the services rendered by the pioneers, was invited, and accepted the invitation, to quarter her armorial bearings in equal honor with her older sisters. If old Virginia justly prides herself upon her *en dat quartam*, may not Tennessee equally pride herself upon her *en dat decimam quartam*?

Pleasant as would be the task, it is not my purpose this evening to dilate upon the greatness of our state. Our subject leads in a different direction, a dry and uninteresting subject, I fear, and, unless the reference is absolutely necessary, my remarks will lie altogether without the domain of military adventure. I do not expect to tell you anything that you do not already know, but it is well to recall the past for, otherwise, facts now imprinted on the memory might be entirely forgotten. Let us ask ourselves the questions: How and by what means has the state of Tennessee, so recently a wilderness, grown into its present proportions of greatness? In what manner, at what time, and at what cost was the land acquired? On what lines did the settlements advance in the western direction? In brief, What incidents have marked our progress from the day that the first white man made his foot-

print on the virgin soil down to the period of the treaty of 1835, when the last Indian picked up his bow and his arrows and sullenly but quietly wended his way to the new hunting grounds provided for him by his great father beyond the waters of the Mississippi river?

No event in the history of the world ever caused more wonder and amazement than the discovery of America. From the beginning of time there had occurred military and political revolutions; kings had been deposed, war had changed the face of society, old religions had died and new creeds had been introduced, there had been pestilences and famines, but all these mutations had come about by a gradual process, and glimpses of their approach served to take away all surprise on their consummation. Such events in varied phases had often happened before and might well be presumed to happen again, but the discovery of a new world was a mystery unsolvable. There had always been a dim tradition of other continents than those known to the ancients, and Plato, in his *Timæus*, speaks of an Atlantis, then submerged, which once stood above the waters in the ocean west of Europe. Hesiod, the earliest profane poet, plainly hints at the rotundity of the earth, and Ovid, unless the words are spurious, was not altogether ignorant of cosmology when he tells us that the elements without weight ascended into the highest regions, the vaulted heaven, then the air, but the earth being heavy drew with it the ponderous stones and was pressed together by its own gravity, and the encircling waters sought the lowest place and surrounded the solid globe. The Norsemen evidently landed on this continent before Columbus was born, and, without detracting one iota from his great glory, he was certainly not ignorant of the tradition, and when in Copenhagen most likely found in the archives of the kingdom an account of the expedition. Notwithstanding these glimmerings of light, the discovery struck with equal amazement kings and subjects, learned scholars and theologians, and the wonder of the devotee of science was no less great than the bewilderment of the ignorant peasant whose circle of knowledge extended no farther than the range of his physical vision.

After the nine days' wonder had, however, subsided, the earthy part of human nature asserted itself, and the main

chance question seized hold of the European potentates. Spain had been allowed to spy out the land, but was not permitted to enjoy all the fruits of her enterprise. The King of England, who had given the back of his hand to Columbus when he applied for assistance, early fitted out an expedition under the command of a Venetian adventurer, the first man who ever sailed along the coast of North Carolina, but in a voyage so hasty that he failed to stop and take even formal possession. I shall, of course, not weary your patience by a recital of any of the numerous expeditions to get a foothold on the western continent except the one which had North Carolina for its objective point. Gold and dominion were the only incentives for colonization, but as vice is always compelled to pay a tribute to virtue, the motive for colonization was sought to be concealed under an artificial solicitude for the salvation of the souls of the poor Indians. Anticipations were not realized at first. Gold neither grew upon trees nor was found scattered on the surface of the ground, and there was for some years rather a lull in the lust for dominion. But the excitement broke out afresh, and in 1584 Queen Elizabeth, by letters patent, authorized Sir Walter Raleigh to take possession of all countries not inhabited by Christians. He landed on a little island—Wocoken—on the Ocsacoch inlet, on the coast of North Carolina, and took possession in the name of his Queen. Elizabeth, you know, was so highly pleased with the magnitude of this addition to her crown that she called the country Virginia, as a self-laudatory compliment to her existing condition of single blessedness, and a delicate assurance that she always intended to remain so.

Nothing more of consequence occurred until Charles II, in 1663, made a grant to the Earl of Clarendon, Gen. Monk and others, of all the lands from the Atlantic to the Pacific Oceans between the 31st and 36th degrees of north latitude. Not content with this little farm, certainly larger than the proverbial forty acres and a mule, which, it was said would satisfy the cupidity of a free American citizen of African descent, these needy gentlemen two years afterwards ask for and obtain an enlargement of the grant, so as to embrace all the lands between the latitudes of 29 and 36 degrees 30 minutes. A reflection may here be made upon the vanity of human hopes

and aspirations and of the uselessness of efforts to acquire fortune and renown. There is no reason to believe that any one of these grantees ever derived any satisfaction or received any benefit, pecuniary or otherwise, from this magnificent gift of so large a slice of the habitable globe. I will say in their favor that, so far as my researches have gone, I have not found any evidence of willful wrong or oppression on their part, and I suppose their ventures resulted like most other big speculations, in large receipts, but still larger expenditures. Colonization began under their auspices, and good feeling seems to have prevailed between the proprietors and the people, and the old state had a quiet time till the troubles about the stamp act came on. There were no rebellions or other disturbances like those which occurred in Virginia, nor was there any necessity to banish or hang Quakers or burn witches as was done in other states. The population increased slowly; but sleepy as the people were always said to be, they had the enterprise to push settlements out in the west faster than any other colony. In order to check this encroachment on the Indians, the King in 1763 issued a proclamation enjoining all colonial governors from granting lands lying west of the sources of streams flowing into the Atlantic, and also forbidding all private persons from buying lands from the Indians.

The distance of government diminishes its force, and not much respect was paid to this command, especially as from this time forth there was a universal indignation against the oppressive measures of parliament and a feeling of personal animosity towards the king. A population soon began to cluster around the Watauga settlement, made up principally of emigrants from East North Carolina and Virginia, with some from Pennsylvania, and even of the colonies farther east. The boundary between North Carolina and Virginia, run by Col. Byrd—the interesting account of which, given by our fellow-member, Col. Garrett, is so fresh in our recollection—had not been extended so far west, and it was generally presumed, though not admitted by North Carolina, that this locality lay within the colony of Virginia.

You all are familiar with the names of these settlers, and of the constant perils which daily attended their lives. In defiance of proclamations, they first leased, and afterwards bought,

lands from the Indians, and several of the deeds are registered in Washington county. It is, however, a singular fact that the first transfer of aboriginal title to lands in Tennessee was not made by any tribe of Southern Indians. The celebrated Six Nations claimed all the territory extending so far south as the Hogoghee, or Holston, river, their title likely being as good as the claims of any other tribe, and a cession thereof was made in 1768 by that confederacy to the king. The treaty was made at Fort Stanwix, situate about one mile from the present city of Utica, in the state of New York.

Difficulties, of course, took place with the Indians, and this handful of men not only defended themselves and their wives and children, but their courage served as a shield of protection for the people of Western North Carolina and Virginia. I need not tell you of Sevier's exploits, nor of Evan Shelby's march against the Chicamauga towns, nor of Col. Christian's expedition against the Cherokees, the great success of which, not a man having been lost, was attributed by the superstitious to the fact that he took with him an army chaplain, the Rev. Charles Cummings, the first man who ever preached a sermon in the wilds of East Tennessee; nor of that of that greatest of all exploits, the preparations for the march and the great success which attended their arms at King's mountain. These exhibitions of manhood thoroughly subdued the Indians.

Prior to this time, and soon after the first settlement, North Carolina concluded a treaty with the Cherokees at Fort Henry, on Holston river, and obtained a cession of all the land lying east of a line to be run from a point on the Virginia line to a point on the Holston river near the mouth of Cloud's creek, thence to the Chimney Top mountain, thence to a point about ten miles below the mouth of Great Limestone, and southeast to the top of the mountain. And the first signatory of that treaty on the part of North Carolina was Waightstill Avery,* a kinsman of our fellow-member, Col. J. G. Harris.

By the adoption of the Articles of Confederation, in 1781, the United States was thereafter the sole authority for treat-

*A young New Englander, who studied law in the office of Luther Martin, the "federal bull-dog," as Mr. Jefferson called him; then migrated to North Carolina, attained eminence in public affairs, and justice will not be done to his memory until some competent hand gives a sketch of his life—a duty that I hope will be soon performed.

ing with the Indians. No consideration was paid by North Carolina for the land thus acquired, for the reason that the confederacy of the Six Nations had previously conveyed a part, and large tracts had been purchased from the Cherokees by private persons. The trade was certainly no more illiberal than that by which it is said Manhattan island was secured by the Dutch, who paid cash for it in the morning, furnished whisky enough to make the Indians drunk, and then won back the money on a horse race in the afternoon.

This little settlement was the nursing mother of the great state of Tennessee. The times being comparatively peaceful after the close of the revolutionary war, streams of immigration began to flow towards Tennessee. In 1783 North Carolina threw open to entry almost every foot of land west of the mountains, subject to the condition, however, that possession should not be taken until the Indian title was extinguished. The land became literally patched over with entries, extending even so far west as the Mississippi river. The tide flowed, as you are aware, first towards the Salt Lick Spring, and soon a goodly population clustered on and around the hills of which Nashville is the center. No matter how good a thing we have got in hand, we always think there is something better in reserve, and the Watauga immigrants now converted themselves into emigrants and scattered all over the state, especially where the rich lands were to be found. Occasional depredations by straggling savages was a good reason, if there were no better, for our predecessors on this bluff to clamor for the interposition of the government. The appeal was not made in vain, and by the Treaty of Hopewell, in 1785, all the land claimed by the Cherokees east of the Tennessee from the mouth of Duck river, thence along the ridge which divides the waters flowing into Duck and Cumberland rivers to a point whence a northeast line will strike the Cumberland forty miles above Nashville, was secured. This corner was by the surveyors found to be at a point twenty miles west of McMinnville, and the point on Cumberland river which was to be forty miles, owing to a fault in the compass, want of skill in the surveyors or for some other satisfactory reason, struck that stream away up in Kentucky just opposite the mouth of Rock Castle river.

You will observe that almost every foot of fertile soil north of Duck river in Middle Tennessee was thus secured to the settlers. No consideration was given, but the treaty states that the object was to give peace to the Cherokees, to receive them into favor and to protect them, and as an evidence of kindness, the United States would regulate their trade and allow them to send a delegate to Congress to look after their interest. Such kindness was not only very charitable, but eminently Christian. This expansion of territory gave temporary satisfaction to the people at the Lick, but in the meantime our friends in East Tennessee had become somewhat cramped for room, and in 1791 another deal was made with our copper-colored brothers. The United States agreed to pay an annuity of \$1,500, and solemnly guaranteeing to the Cherokees all lands not already ceded, secured an addition of all the lands north of the ridge which divides the waters into the Tennessee and Little rivers, thence up Clinch to Campbell's line, and thence along that line to the top of Cumberland Mountain. The Indians really had no permanent abiding place in West or Middle Tennessee, but in the East, along the foot of the Unaka and Smoky mountains, there were a few fixed habitations. These encroachments seem at first view scarcely right, but really no injustice was done by the appropriation, for the lands were only roamed over and not permanently occupied by the Indians. The government may have been culpable, and was culpable, in not adopting systematic measures in an earnest effort to bring them within the pale of civilization, as we are now trying to do towards the African, but no American need hang his head in shame at the treatment they have received, harsh though it may seem to be. Treaties followed in rapid succession. In 1798 there was a cession of all the land from Wild Cat Rock, on Tennessee river, along Nine Mile creek—I know the locality well—to Harris's line, Chilhowee Mountain and other points, adding a large area for settlement in East Tennessee. Relatively to other localities, considering its distance from population in the older states, Middle Tennessee was the favorite point of immigration. Agriculture was the chief pursuit, and here were unquestionably the best farming lands, and the rich and fertile soil south of Duck

river was never intended as a perpetual hunting ground for savage Indians.

In 1805 the purchase was made of all the land south of the dividing ridge between Duck and Cumberland and from Fort Nash to the mouth of Hiwassee, the consideration being a grist mill, \$10,000 in cash, and an annuity for life of \$100 to be paid to old Black Fox, by way of "boodle," I suppose, and thus was transferred to the uses of civilization a tract of country which, for fertility of soil and abundance of minerals, is unsurpassed by any other area of equal extent on the face of the globe. You will now perceive that a belt of the Cumberland Mountains, not extending to the southern line of the state, was the only barrier between the settlements in East and Middle Tennessee. We were as ignorant of the value of that land as the Indians, and did not covet it, but, as it lay in our way, we got a part by treaty in 1807 and the remainder by a treaty somewhat later.

We had now pretty well rounded off our real estate possessions, and there was, on the land question, comparative peace for a few years. The people devoted their time and energies to the clearing of the forest and the cultivation of crops, and there was a marked improvement, not only materially in the increase of wealth, but in the comforts which wealth ought to bring. The next call for land, the appetite for which seems to be insatiable in the Anglo-Saxon race, came chiefly from claimants of entries in the western district, the most of whom were residents of North Carolina. A few steamboats had plied the waters of the Mississippi river, cotton began modestly to assert its supremacy, and westward the star of empire took its way. East Tennessee also began to feel the necessity for a few more farms, and President Monroe appointed commissioners, and two treaties were made—one with the Chickasaws, in 1818, for the transfer of all their lands in Tennessee between the Mississippi and Tennessee rivers; the other with the Cherokees, in 1819, by the terms of which their claims in Tennessee were compressed within the small space south of the Hiwassee river, afterwards known as the Ocoee district.

The Indian territory was now restricted to the southeast corner of Tennessee, but the Cherokees still owned the north-

ern part of Georgia, the Creeks a large extent of country on the conterminous line of Georgia and Alabama, the Chickasaws from the Tennessee almost half way to the Gulf, and the Choctaws held a long and a pretty wide slip on the western line of Mississippi, the Indian title fully covering one-third of the area of those three states. There was not for some years any disposition to molest them. The antipathy and personal animosities which prevailed in the earlier times had entirely died out, and our relations were peaceful and rather agreeable. Their contact with the whites caused an improvement in their ways and modes of life. Many of them abandoned hunting and fishing for a livelihood and devoted themselves to agriculture. The rights of property were respected, and courts established to try civil suits and punish criminals; churches sprang up around the Indian villages; schools were established, one of which—that near Chattanooga, and called Brainard, in honor of the good missionary—was, in its course of study and other appointments, fully up to the standard of our average college. The sons of the chiefs and head men were entered at colleges in the states, and the young maidens placed at boarding schools took on accomplishments as easily and as readily learned their lessons as their Caucasian sisters. No educated and well-behaved half-breed man or woman was debarred admission to general society, and though intermarriage, unless it brought a lump of money, was not desirable, the alliance was not considered disgraceful. Events occurred to disturb these amicable relations.

About the beginning of the present century a young man from New England, teaching school in the South, invented a process by which the seed could be separated from the lint of cotton without the tediousness of hand manipulation—the cotton gin—and other improvements in machinery followed, by which cotton could be woven easily and cheaply converted into cloth. These inventions soon drove linen out of the general market, and the fields of Ireland, hitherto sown in flax, were turned to the cultivation of potatoes. Cotton was in great demand, especially the cotton from America. The successful cultivation of that staple requires a duration of five months between frosts, a fertile soil, and warmth and heat without too much moisture, the continuous rains of the tropics being

as unfriendly as the cold blasts of a northern climate. The locality occupied by the Indians filled exactly all these conditions. Now, was it surprising that the potentialities of this favored country owned by the Indians should have suggested to our people such thoughts as those which crept into the mind of King Ahab when he viewed, from his palace windows, the adjoining fruitful vineyard of Naboth, his neighbor? Other reasons prompted a desire for the acquisition. The slaves, under good treatment in the border states, had increased so rapidly that an outlet was required for the surplus population. The time had about come, as John Randolph said, for the negro to run away from the master or the master to run away from the negro. The agitation of the question of removing all the tribes west of the Mississippi, begun about 1828 or 1829, caused much excitement among the Indians, and their opposition to removal was encouraged by a large party in Congress from New England and other northern states. Georgia was clamorous in her demand for the territory; and though Gen. Jackson, about 1830, made the removal one of the cardinal measures of his administration, you will remember he had about as much trouble with that state as he had with the Indians. Georgia, before a treaty, extended her laws over the nations. He had determined that the Indians should go, but not at the behest of Georgia. That job he had taken on his own hands, and he threatened, if Georgia interfered, to dissolve her legislature and imprison the governor. The Cherokees, being most advanced in civilization, held on with tenacity to their homes. The party headed by a chief named Walker favored emigration, and the opposition was led by Ross, a man of fine education and first-rate abilities, a graduate of Princeton College; and between these two factions civil war was imminent in the nation. I recollect to have read, when a youth, a letter from Gen. Jackson to my father, who was then a member of Congress from East Tennessee, upon the subject of these difficulties, in which he requested him to confer with Ross and Walker and urge them not to break the peace. Finally, the Walker faction prevailed, and a treaty was signed. This young chief, a few weeks after its execution, while riding around his plantation, received a death wound from some one. A turbu-

lent half-breed named Foreman was ascertained to be the murderer, and was indicted in the county of McMinn, adjoining the nation, but the Supreme Court, after a full investigation—as you will find reported in 3 Yerger—decided that the criminal laws of the state did not extend over the Indian Nation. His acquittal afforded only a brief prolongation of life; as those who live by the sword shall die by the sword, it was not long before he in turn was assassinated by one of Walker's adherents.

Gen. Jackson ordered Gen. Scott to repair to the Nation, and, under his supervision, the tribes, one by one, before 1836, were transferred to their new homes. Streams of population began at once to flow into the new lands. Our public roads here in Tennessee were lined every autumn with wagons and carts; the master, with his family, riding in carriages, and the rear brought up by slaves of all ages and sizes, clad in garments of every color and in all conditions of varied raggedness. Any one who beheld these trains of movers, as they were called, will have a pretty good conception of what is meant by a caravan in the east. The forests were soon cleared and extensive plantations opened. Cotton was raised in immense quantities, and steam navigation up the rivers in the interior regions gave cheap transportation to the seaports. The commerce of the Mississippi valley—not only the exchanges between the western and southern states, but foreign importations and exportations—increased suddenly to an unexpected degree, and the chief southern port, New Orleans, bid fair to rival in importance the largest city of the north. Lands and negroes rose to fabulous prices, and the great object of ambition seemed to be the ownership of a big plantation. The income of the planters was enormous, and it was most lavishly spent. These new conditions created among the planters a manner of life, commendable in some respects, but palpably different from the habitudes of the people in the northern, or even in the middle states. There had certainly been a great increase of wealth, or what was presumed to be wealth, and cotton was crowned king, and reigned for some years with undisputed sway.

One word more before we close. Man proposes, but God disposes. Previous to the year 1830 there was scarcely a cul-

tured man in the South, especially in the border states, who defended slavery on abstract grounds. The institution was regarded as an inherited evil, and the extirpation of it seemed to be beyond the reach of society or government. The controversy about the Missouri compromise was a question of the balance of power between the North and the South rather than a difference of opinion as to the rights or wrongs of slavery as a domestic institution. The angry passions engendered by that contest did not speedily work any revolution. Southern sentiment and faint efforts, or, rather, suggestions, were made occasionally to rid us, if possible, of the incubus. The same man who, as governor of Virginia, wielded the power of the state during the late war, as a member of the Virginia convention in 1831 exerted himself manfully to bring about emancipation. In the convention in Tennessee in 1834 there were members who advocated such a measure, while in Kentucky from the beginning there had always been a large anti-slavery element. A change, however, began to come over public sentiment, and that change was produced by the apparent prosperity which it was thought the cultivation of cotton gave, not only to the southern but also to the border states. Interest affects opinion in all countries and in all relations of life. The plantation afforded a market for the cereal crops of the border states, and also a good place for the transfer of supernumerary slaves. In the meantime the North had become jealous of the preponderance of power in the South on account of the three-fifths representation, and, besides, the sentimental side of the question came up, England having abolished slavery in Jamaica, and enthusiasts, or moralists, or abolitionists, or whatever you choose to call them, proclaimed outright that African slavery was incompatible with free government. This attack brought on counter recrimination—and moderation was lost; and slavery, hitherto excused as a bad inheritance, for which the North was more responsible than the South, came to be defended as a just and humane policy, both for the slave as well as the master. This position was henceforth maintained not only by newspapers and politicians, but by the clergy, who fortified the argument by convincing proofs or by copious extracts from Scripture. The economic and humane aspects of the question were, however,

soon engulfed and lost sight of in the angry passions engendered by a discussion as to rights in the territories, and the beginning and the end of the strife you know; but so short is human foresight, and so hidden are causes and consequences, the framers of these treaties did not know that the extinguishment of the Indian title east of the Mississippi river would hasten, and did, in fact, hasten by half a century the forcible abolition of slavery in the United States.

The Indian has gone, but the African remains. May the same Providence which carried us safely through the Indian troubles give us wisdom to deal justly and humanely in the solution of the still greater problem presented for consideration—the presence of the African as a citizen in the Republic of America.

SOME UNPUBLISHED SEVIERIANA.

[Among the heterogeneous mass of documents piled in the vaults of the capitol, Mr. R. T. Quarles has recently discovered the appended papers, which are here printed for the first time:]

STATE OF FRANKLIN. A PROCLAMATION.

Whereas a Manifesto is sent and is Circulating Through this State, in order to Create sedition and stir up insurrection among the good Citizens of this State: thinking thereby to destroy that peace And Tranquility that so greatly abounds among the peaceful Citizens of this Now Happy Country—And notwithstanding there own acts Declare to the World that they first invited us to the separation. If in there power would now bring down Ruin and destruction on that part of her late citizens; That the world will know Resqueed the parent state out of the hands of there enemy, And saved her from impending Ruin—Notwithstanding we have the fullest confidence In the True Attachment, and faithful Fidelity of The good citizens of this State—I have thought proper to issue this my proclamation, strictly enjoining and Requiring all and every of the good Citizens of this State as they will answer the same at their peril To be obedient and Conformable to the Laws thereof, Witness John Sevier Esquire Governor and Captain General in and over the said State, Under his hand and seal at arms in Washington the 15th of May 1785 and in first year of our Independence.

JOHN SEVIER

God save the State.

Mount Pleasant Oct 20th 1787

I recd a letter yesterday from Governor Caswell, in answer to one I wrote to him about five weeks past.

In mine I wrote him I was Elected, and also mentioned the Other gentlemen and wished his advise whether it would be

expedient for me to attend. He writes pressingly for myself to attend, and promises every assistance to compromise matters, and seems to have no doubt of its being done. Also that we be prepared with petitions &c to show the Great majority which is in favor of the Separation—I can not be so well determined whether to attend or not until I hear from Georgia tho to be prepared as well as possible I wish you to get the deposition of their taring the tickets at your election, and all the foul play that was transacted at the time, together with their refusal to open the polls for the Candidates untill the Election was first finished, also refusing to let any vote but those who had given in their taxable property, and if it was possible for one of our candidates to come and contest the election—I am confident the election would be overset, which would be very much against them

Pray get all the signers you can to the petition in time. Caswell had not anything communicated to him from the Convention at the time he wrote. I wish one of your candidates to get in if possible

I am with great esteem &c &c

JOHN SEVIER

Col Christian

MEMORANDA.

At the last meeting of the Historical Society, attention was called to the fact that many valuable official documents, appertaining to various early administrations, stored in the vaults of the capitol, were rapidly succumbing to the humidity of their subterranean place of repose and the uninterrupted incursions of mice. In consequence, the following resolution, offered by Prof. W. R. Garrett, was unanimously adopted:

Resolved, That a committee of three be appointed, to confer with the Governor, with the view to effect the rescue of the valuable historical documents now in the vaults of the capitol.

Messrs. W. R. Garrett, G. P. Thruston and R. L. C. White were appointed to constitute the committee.

At the last meeting, a special committee, consisting of Messrs. Theo. Cooley, R. T. Quarles and John M. Bass, was appointed, with instructions to investigate and report the cost of preparing and printing a catalog of the portraits and curios belonging to the Society, and also the cost of having made photographic replicas of the portraits.

The Tennessee Historical Society can and should quadruple its membership within the next twelve months. How many applications will you present during that time? Suppose you see what you can do in that direction.

Goodpasture Book Co.,

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Ex-Governor James D. Porter, formerly Minister to Chili, and himself an eminent historian, thus speaks of Garrett and Goodpasture's History of Tennessee:

"It is by far the best History of Tennessee yet published, and is a good book for all time."

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